

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9614 of 2025

Radhika Kumari @ Radhika Devi Wife of Bitu Kumar, Resident of Village-
Kamalpur, P.O.- Kamalpur, P.S.- Awatar Nagar, District- Saran (Chapra).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Government of Bihar, Patna.
2. The Commissioner, Saran Division at Chapra.
3. The District Magistrate, Saran at Chapra.
4. The District Programme Officer, I.C.D.S., Saran, Chapra.
5. The Child Development Project Officer, Dariyapur, Saran.
6. Ladies Supervisor, Dariyapur Block, District- Saran, Chapra.
7. Bindu Kumari, Wife of Balram Prasad Rai, Resident of Village- Kamalpur, P.O.- Kamalpur, P.S.- Awatar Nagar, District- Saran (Chapra).

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ram Kishore Singh, Adv.
For the Respondent/s : Mr. Pankaj Kumar Singh, AC to GA-9

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 24-06-2025

Heard the parties.

2. At the outset, learned Advocate for the petitioner seeks indulgence of this Court to make necessary correction in paragraph nos. 7 and 8 of the writ petition.

3. Permission is accorded.

4. Let the same be done in course of the day.

5. The petitioner is aggrieved with the order dated 06.02.2021/07.02.2021 passed in Anganwadi Case No. 59 of 2020, whereby the District Programme Officer, Saran at Chapra



has cancelled the selection and appointment of the petitioner as Anganwadi Sahayika for Centre Code-264, Village-Pratappur, Ward No. 13, Panchayat-Pratappur.

6. Learned Advocate for the petitioner contended that aggrieved with the order passed by the District Programme Officer, Saran at Chapra, which is an *ex parte* order, the petitioner challenged the same before the Divisional Commissioner, Saran Division, Chapra in Anganwadi Revision Case No. 74 of 2021, however, the same came to be dismissed on account of non prosecution vide order dated 17.12.2024/18.12.2024. The restoration application filed by the petitioner in Restoration Case No. 24 of 2025 also came to be rejected vide order dated 07.02.2025/25.02.2025, hence the present writ petition.

7. It is the specific contention of the petitioner that pursuant to an advertisement for selection to the post of Anganwadi Sahayika for the subjected centre, the petitioner on being found eligible was duly appointed in terms with the guidelines of 2019. Respondent no. 7 being aggrieved with the selection of the petitioner approached before the Child Development Project Officer, Dariyapur, Saran. However, it is said that the same could not be taken up within the stipulated



period, hence the private respondent moved before the District Programme Officer in Anganwadi Case No. 59 of 2020.

8. The respondent District Programme Officer without issuing any notice and affording any opportunity of hearing, cancelled the selection of the petitioner on the ground of her suspicious school transfer certificate of Class-8. In the aforesaid premise, the order of the District Programme Officer was questioned before the Divisional Commissioner, Saran Division, Chapra in Anganwadi Revision Case No. 74 of 2021. However, it came to be rejected on account of non prosecution, as stated hereinabove.

9. Learned Advocate for the State referring to the impugned order has submitted that the petitioner did not appear on four consecutive dates, which led to dismissal of the revision case.

10. Having considered the submissions set forth by the learned Advocate for the respective parties and on perusal of the impugned order passed by the Divisional Commissioner, Saran Division, Chapra in Anganwadi Revision Case No. 74 of 2021 and Restoration Case No. 24 of 2025, this Court finds that the revision was filed long back in the year 2021 and it was taken in the year 2024. That apart, the original order also reflect



that the same has been passed without giving notice to the petitioner and, moreover, the petitioner has made out a case for consideration by the appellate/revisional authority; hence, in order to give quietus to the dispute, in the ends of justice, the matter is required to be adjudicated and decided on its own merit.

11. In such circumstances, this Court finds merit in the writ petition. Accordingly, the impugned order passed by the Divisional Commissioner, Saran Division, Chapra dated 17.12.2024/18.12.2024 passed in Anganwadi Revision Case No. 74 of 2021 and order dated 07.02.2025/25.02.2025 passed in Restoration Case No. 24 of 2025 are hereby set aside.

12. This Court is conscious of the facts and legal position that on account of dismissal of the Anganwadi Revision, even on default, it is obvious a right has been created in favour of the private respondent but since both the petitioner and private respondents were not present either in the Anganwadi Revision or in the Restoration Case, this order is being passed to meet the ends of justice.

13. The matter is relegated to the Division Commissioner, Saran Division, Chapra to consider the Anganwadi Revision Case No. 74 of 2021, after giving proper



notice and opportunity of hearing to all the stake holders,
including the respondent no. 7.

14. The writ petition stands allowed to the extent
indicated hereinabove.

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.06.2025
Transmission Date	NA

