

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.867 of 2023

In
Civil Writ Jurisdiction Case No.1412 of 2018

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Rubi Kumari Wife of Birendra Kumar, Resident of Village- Pathadda, P.S.-
Fullidumar, District- Banka.

... .. Appellant

Versus

1. The State of Bihar through the Director, Social Welfare Department, Bihar, Patna.
2. The Director, I.C.D.S. Social Welfare Department, Bihar, Patna.
3. The Deputy Director, Welfare Department, Bhagalpur Division, Bhagalpur.
4. The District Collector, Banka.
5. The District Programme Officer, Banka.
6. The C.D.P.O., Fullidumar, District- Banka.
7. The Mukhiya, Gram Panchayat Raj, Pathadda, P.S.- Fullidumar, District- Banka.

... .. Respondents

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Appearance :

For the Appellant/s : Mr. Mritunjay Prasad Singh, Advocate
For the Respondent/s : Mr. Gyan Prakash Ojha, GA-7

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

10 09-09-2025 In the instant appeal, appellant has assailed the

learned Single Judge order dated 12.07.2022 passed in

CWJC No. 1412 of 2018. It is a short order which reads as

under:-

*“Based on an Aam Sabha conducted
in 2007, the petitioner by way of the
instant writ proceeding is
substantially seeking selection as*



Anganwari Sevika.

It is the specific case apparent from the petitioner's pleadings itself that subsequent to the alleged Aam Sabha of 2007, several rounds of litigation have ensued before this Court at the instance of one Poonam Kumari.

The petitioner, as per pleadings, has, for the first time, in this case raised her grievance based on an Aam Sabha of the year 2007 by filing an appeal (Annexure -4) in the year 2015-16.

The State has, in the counter affidavit, admitted to the Aam Sabha of the year 2007, but has taken a specific stand that in view of the existing rule position, the panel created in the Aam Sabha of 2007 lapsed after three years and in supplementary counter-affidavit, it has been specifically stated that one Pinki Kumari has been selected in the year 2018 itself.

The petitioner's claim is barred by delay and laches, moreso in view of selection of the another candidate in the meantime giving rise to third party rights. This Court would also take note of the fact that petitioner is claiming selection based on Aam Sabha conducted in the year 2007, by filing this writ petition in 2022, and it is not



denied or disputed by the petitioner that as per rule life of the panel is only three years.

This writ application is devoid of merit and dismissed.

2. Matter is relating to selection and appointment to the post of *Aanganwari Sevika*. There is a delay and laches on the part of the appellant in invoking remedy of writ jurisdiction. The Hon'ble Supreme Court in the case of ***State of Jammu and Kashmir Vs. R.K.Zalpuri & Others*** reported in ***AIR 2016 Supreme Court 3006***. In para 20, it is held as under:-

“20. Having stated thus, it is useful to refer to a passage from City and Industrial Development Corpn. v. Dosu Aardeshir Bhiwandiwalla [City and Industrial Development Corpn. v. Dosu Aardeshir Bhiwandiwalla, (2009) 1 SCC 168], wherein this Court while dwelling upon jurisdiction under Article 226 of the Constitution, has expressed thus: (SCC p. 175, para 30)

“30. The Court while exercising its jurisdiction under Article 226 is duty-bound to consider whether:

(a) adjudication of writ petition involves any complex and disputed questions of facts and whether they can



be satisfactorily resolved;

(b) the petition reveals all material facts;

(c) the petitioner has any alternative or effective remedy for the resolution of the dispute;

(d) person invoking the jurisdiction is guilty of unexplained delay and laches;

(e) ex facie barred by any laws of limitation;

(f) grant of relief is against public policy or barred by any valid law; and host of other factors.”

Underline supplied

3. One of the issue is before entertaining writ petition, Writ Court has to examine delay and laches.

4. That apart, the Hon'ble Supreme Court has time and again held that insofar as selection, appointment and promotion, aggrieved person must knock the door of the Court within a reasonable period of six months from the date of cause of action accrued *vide P.S. Sadasivaswamy vs. State of Tamil Nadu, reported in AIR 1974 SC 2271*. In the light of these facts and circumstances, appellant has not made out a case so as to interfere with the learned Single Judge order dated 12.07.2022 passed in CWJC No. 1412 of 2018.



5. The LPA stands dismissed. Pending
Interlocutory Applications, if any stands disposed of.

(P. B. Bajanthri, ACJ)

(Alok Kumar Sinha, J)

Gaurav Sinha/-

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