

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11860 of 2025

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Usha Kumari @ Usha Devi Wife of Subodh Harijan @ Subodh Kumar Harijan, Resident of Village- Charwa, P.O.- Changeri, P.S.- Barahat, District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Director, Panchayat Raj, Government of Bihar, Patna.
3. The Divisional Commissioner, Bhagalpur Division, Bhagalpur.
4. The Collector Cum District Magistrate, Banka.
5. The District Panchayat Raj Officer, Banka.
6. The District Programme Officer (ICDS), Banka
7. The Child Development Programme Officer, (Bal Vikash Pariyojna Padadhikari), Barahat, District- Banka.
8. Asmita Rani, Wife of Shailendra Singh, Resident of Village- Charwa, P.O.- Changeri, P.S.- Barahat, District- Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad, Advocate
For the Respondent/s : Mr. Divit Vinod, AC to SC-26

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT
Date : 05-08-2025

Heard Learned Counsel for the petitioner and

Learned Counsel for the State.

2. The present writ petition has been filed by the

petitioner with the following reliefs:-

*“I. For issuance of writ in the
nature of certiorari to quash the order dated
26.04.2025 passed by the Divisional
Commissioner, Bhagalpur, communicated*



vide Memo No. 590, dated 26.04.2025 contained in Annexure-6 by which he set-aside the order of District Magistrate, Banka, passed on 08.08.2023 communicated vide memo No. 15, dated 03.01.2024 contained in Annexure-3, District Magistrate, Banka had cancelled the selection of Asmita Rani and directed the Child Development Programme Officer, (Bal Vikash Pariyojna Padadhikari), Barahat, District-Banka to ensure selection of the petitioner, Usha Kumari on the post of Anganbari Sevika. But Divisional Commissioner, Bhagalpur has set aside the order of District Magistrate, Banka and directed District programme Officer, ICDS, Banka to ensure restoration of Asmita Rani on the post of Sevika.

II. For issuance of further writ in the nature of mandamus commanding and directing the respondents concerned to select and joining of the petitioner be made/confirmed on the post of Anganbari Sevika in obedience of order of the District Magistrate, Banka, because petitioner is legally selected candidate for the post of Sevika.

III. For holding and declaring that petitioner is fit candidate legally for the post of Aanganbari Sevika as



selected by the Aam Sabha held for the purpose.”

3. Learned Counsel for the petitioner has taken the plea that the order passed by the Commissioner is absolutely illegal and not sustainable in the eye of law. He submits that the general meeting was conducted on 07.02.2011 for selection of Sevika in Anganbari Centre, and resignation was made prior to the said date. Therefore, the finding of Collector is absolutely in accordance with law, but finding of Commissioner is not in accordance with law and, therefore, Counsel submits that the order dated 26.04.2025 passed in Miscellaneous Anganwari Appeal No. 46 of 2023-24 by the Divisional Commissioner, Bhagalpur, be set aside.

4. Learned Counsel for the State, on the other hand, submits that the order passed by the Commissioner is a well reasoned order and the situation under which the order passed by the Commissioner is well discussed. Counsel submits that the advertisement for the appointment on the post of Anganbari Sevika has been published in the month of January, 2011 and on the date of advertisement the petitioner was not competent to enter into the process and on the said date the private respondent has higher marks. It also transpires from the order that the husband of the petitioner was holding the post of



Sarpanch during the period of advertisement and his resignation had been accepted with effect from 11.02.2011; whereas the decision of Aamsabha was finally taken on 07.02.2011.

5. In this view of the matter, this Court finds that there is no case of petitioner and this writ petition is dismissed.

(Dr. Anshuman, J)

Mkr./-

AFR/NAFR	N.A.F.R.
CAV DATE	NA
Uploading Date	07.08.2025
Transmission Date	

