

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15755 of 2019

Basanti Devi @ Basanti Kumari W/o Sonu Kumar Singh, Resident of Village
Ashapur, PO Rashulpur, Block and PS- Barharia, Dist.Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Welfare,
Govt. of Bihar, Patna
2. The Principal Secretary, Department of Welfare, Govt. of Bihar, Patna
3. The Director, Integrated Child Development Scheme (I.C.D.S.), Department
of Social Welfare, Govt. of Bihar, Boring Canal Road, Patna
4. The Commissioner, Saran Division Saran
5. The District Magistrate-cum-District Officer, Siwan
6. The District Programme Officer(I.C.D.S.), Siwan
7. The Child Development Project Officer (C.D.P.O.), Block-Barharia,
Dist.Siwan
8. The Block Development Officer, Barharia, Dist.Siwan
9. Vimla Kumari @ Vimla Kumari Devi W/o Jay Prakash Prasad Resident of
Village Rashulpur, Ward No.12, Block and PS- Barharia, Dist. Siwan

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Chhotelal Mishra, Advocate Ms. Jyoti Prasad, Advocate
For the State	:	Mr. Gyan Prakash Ojha, GA- 7
For Respondent no.9	:	Mr. Prashant Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 20-11-2025 Heard learned counsel for the parties.

2. The petitioner has filed the instant application for
the following reliefs:

“i) To issue a writ in the nature of



certiorari setting aside order dated 07.06.19 passed in Anganwari Case No.7/18-19 by the District Collector-cum-District Magistrate, Siwan, whereby and whereunder the learned Collector has been pleased to set-aside the order dated 26.02.18 passed in Anganwari Misc. Case No. 29/17-18 by the District Programme Officer, Siwan cancelling/terminating the selection of Private Respondent No.9 Vimla Kumari from the post of Anganwari Sevika in Centre No. 276, Panchayat-Rasulpur, Ward No.13, P.S. + Block-Barharia, District-Siwan on the ground that she is not resident of Ward No.13 rather she is resident of Ward No.12 and further affirm the previous selection of Private Respondent No.9 Vimla Kumri Devi on the post in question.

ii) To issue a writ in the nature of mandamus commanding and directing the Respondent authority concerned to reinstate the petitioner back in service against the post of Anganwari Sevika in Centre No.276, Panchayat-Rasulpur, Ward No.13, P.S. + Block-Barharia, District-Siwan who has been selected/appointed on the post in question being a suitable candidate and resident of beneficiary area i.e. Ward No.13 in the light of order dated 26.02.2018 contained in Memo No. 326 dated



28.02.2018 issued by District Programme Officer, Siwan and after completing required training discharging her regular and sincere duty and getting her salary/remuneration regularly without any hindrance.

iii) To issue a writ in the nature of mandamus commanding and directing the District level Respondent authority to enquire into the fact whether the Private Respondent No. 9 Vimla Devi is resident of Ward No.12 and if the same is found true appropriate action may be taken against her for getting her selection on the basis of faradism.

iv) And/or any other order/orders, direction/directions, writ/writs which this Hon'ble Court may think fit and proper in the facts and circumstances of this case.”

3. It is submitted by learned counsel for the petitioner that having the alternate remedy of filing an appropriate application/appeal before the Commissioner, the instant application be permitted to be withdrawn giving liberty to the petitioner to file an appropriate appeal/application.

4. At this stage, learned counsel for the respondent no.9 appears and submits that the provisions of filing an appeal/application against the order of Appellate Authority which is sought to be filed by the petitioner is not available in



law.

5. It is made clear that all issues in law and fact may be raised by both the parties as and when the application is filed.

6. This application is disposed off as withdrawn.

(Partha Sarthy, J)

saauravkrsinha/-

U			
---	--	--	--

