

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1403 of 2023

In
Civil Writ Jurisdiction Case No.2007 of 2023

=====

Mahalakhshmi Kumari, Wife of Manik Chand Maya, Resident of Village-
Bariyahi, Ward No. 13, Post- Devottar, Police Station- Banmankhi, District-
Purnia.

... .. Appellant/s

Versus

1. The State of Bihar through the Secretary, Department of Social Welfare,
Government of Bihar, Patna-800001.
2. The Divisional Commissioner, Purnia.
3. The District Magistrate, Purnia, District- Purnia.
4. The Director (ICDS) Integrated Children Department, Administrative-cum-
District Officer, Purnia.
5. The Joint Commissioner cum Secretary, Regional Transport Authority, O/O
Sub-Divisional Commissioner, Purnia.
6. The District Officer, Purnia.
7. The District Program Officer, Purnia.
8. The Deputy Collector, Land Reforms, Banmankhi, Purnia.
9. The Child Development Program Officer, Banmankhi, Purnia.
10. Namrta Kumari, Wife of Arvind Kumar, Resident of Village- Bariyahi, Ward
No. 13, Post- Devottar, P.S.- Banmankhi, District- Purnia.

... .. Respondent/s

=====

Appearance :

For the Appellant/s	:	Mr. Sudhir Kumar Thakur, Advocate Mr. Narendra Kumar, Advocate
For the Respondent/s	:	Mr. Government Advocate-7

=====

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 21-01-2025

Re.- I.A. No. 1 of 2023

Mr. Narendra Kumar, the learned Advocate for

the appellant/ applicant presses I.A. No. 1 of 2023 for



condoning the delay of 32 days in preferring this appeal.

2. For the reasons stated in the application, the delay of 32 days in preferring this appeal is condoned.

3. I.A. No. 1 of 2023 stands allowed.

Re.- L.P.A. No.1403 of 2023

4. We have heard Mr. Narendra Kumar, the learned Advocate for the appellant, Mr. G.P. Ojha, the learned Government Advocate No. 7 for the State and Mr. Praveen Ranjan, the learned Advocate for private respondent No. 10.

5. The appellant was earlier appointed as an Anganwari Sevika for Centre No. 93, Ward No.13. The said engagement of the appellant was found to be not in accordance with the Rules for appointment of Anganwari Sevikas. The District Programme Officer, therefore, set aside the appointment of the appellant. The ground raised was that the mapping register, which is the basis for selection, was only signed by a local *Panch* and not by either Lady Supervisor or by the C.D.P.O. which is the



requirement under the Rules.

6. The concerned District Magistrate affirmed the aforementioned order of the District Programme Officer but a Bench of this Court in CWJC No.2288 of 2017 remanded the matter before the District Magistrate as it was found that the order passed by the District Programme Officer was copied in verbatim by the District Magistrate.

7. It appears that thereafter the District Magistrate, on perusal of the entire records found that the order passed by the District Programme Officer setting aside the appointment of the Anganwari Sevika was correct.

8. This order was then interfered by the Divisional Commissioner on the ground that the signature of the concerned authority, viz., C.D.P.O. appeared to be a later interpolation.

9. Otherwise also, we agree with the findings of the learned Single Judge that in such matters, especially



with respect to Anganwari Sevika selection where there is no fixity of tenure and the post is not a civil post, the interference should be as minimal as possible unless there are procedural lapses which go to the root of the matter and there is any violation of principles of natural justice.

10. The respondent No. 10 is performing her duties as Anganwari Sevika since 2022.

11. We do not find any need to interfere with the order passed by the learned Single Judge.

12. The appeal is dismissed.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

Saurabh/Rajesh

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.01.2025
Transmission Date	

