

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19749 of 2025

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Rina Raman wife of Anoj Yadav, Resident of Ward No. 02, Village Salkhua,
Police Station Salkhua, District Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary Social welfare Department, State of Bihar, Patna.
2. The Directorate, Integrated Child Development Services Government of Bihar, Patna through the Director ICDS.
3. The Commissioner, Koshi Range, Saharsa.
4. The District Magistrate, Saharsa.
5. The Deputy Director Welfare, Koshi Range, Saharsa.
6. The District Program Officer, Saharsa.
7. The Child Development Project Officer, Salkhua, District Saharsa.
8. Ambika Kumari Wife of Mithilesh Kumar, Resident of Ward No. 02, Village Salkhua, Police Station Salkhua, District Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satish Kumar Singh, Advocate
For the Respondent/s : Mr. Standing Counsel (18)

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CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL ORDER

2 24-12-2025 Heard learned counsel for the petitioner as well as

learned State counsel.

2. Since the order that I propose to pass in the instant writ petition is to direct the District Magistrate, Saharsa to dispose of the Appeal Case filed by the respondent No. 8 which has been remanded to the District Magistrate, Saharsa by the Divisional Commissioner, Saharsa by the impugned order dated 21.10.2025 for adjudication on its own merit , no notice is called for to the respondent No. 8.

3. While the petitioner was working as Anganwadi Sevika for Anganwadi Centre No. 139 within Panchayat Salkhua at Ward No. 02, Salkhua Badi Tola, District Saharsa, the respondent No. 8 had filed a complaint before the District Program Officer, Saharsa/ respondent No. 6 alleging irregularities in the selection and appointment of the petitioner as Anganwadi Sevika. The complaint filed by the respondent No. 8 against the petitioner regarding her selection and appointment as Anganwadi Sevika was dismissed by the respondent No. 6/ the District Program Officer, Saharsa vide order dated 30.09.2024.

4. The respondent No. 8 filed an appeal before the Commissioner, Koshi Range, Saharsa being Anganwadi Appeal Case No. 142 of 2024 against the order dated 30.09.2024 passed by the District Program Officer, Saharsa,

5. The appeal filed by the respondent No. 8 was entertained and disposed off by the respondent No. 3 vide the impugned order dated 21.10.2025, whereby the respondent No. 3/ the Commissioner, Koshi Range, Saharsa, while remanding the matter back to the District Magistrate, Saharsa/ respondent No. 4 for adjudication of the matter had observed that the selection and appointment of the petitioner as Anganwadi

Sevika was irregular and the order passed by the District Program Officer, Saharsa has also been stayed by the Commissioner.

6. Challenging the order dated 21.10.2025 passed by the Commissioner/ respondent No. 3 in Anganwadi Appeal Case No. 142 of 2024 , learned counsel for the petitioner has argued that forum for resolution of the dispute arising out of selection and appointment of the Anganwadi Sevika is regulated by **Anganwadi Sevika/Sahayika Selection Guidelines, 2016**, wherein the District Program Officer exercises the original jurisdiction to adjudicate the dispute regarding the selection and appointment of Anganwadi Sevika and thereafter the District Magistrate is the Appellate Authority/Forum, wherein appeal can be filed against the order passed by the District Program Officer by the aggrieved party. In view thereof, he contends that the Divisional Commissioner is not the authority to adjudicate the dispute arising out of the selection and appointment of Anganwadi Sevika under the aforesaid 2016 guidelines and accordingly the order passed by the Divisional Commissioner dated 21.10.2025 in Anganwadi Appeal Case No. 142 of 2024 filed by the respondent No. 8 is without jurisdiction.

7. Learned State counsel appearing for the respondent

Nos. 1-7 has not disputed the contention made by the learned counsel for the petitioner. He has also endorsed the submission of the learned counsel for the petitioner to the extent that the dispute arising out of selection and appointment of Anganwadi Sevika is regulated by the 2016 guidelines mentioned hereinabove, wherein the District Program Officer exercises the original jurisdiction and the concerned District Magistrate is the Appellate Authority.

8. In view of the above, since there is no dispute that the dispute arising out of selection and appointment of Anganwadi Sevika, the same is to be resolved under the 2016 guidelines, wherein the concerned District Program Officer exercises original jurisdiction and the Appellate Authority is vested with the concerned District Magistrate, I find that the order dated 21.10.2025 passed by the Divisional Commissioner in Anganwadi Appeal Case No. 142 of 2024 filed by the respondent No. 8 assailing the selection and appointment of the petitioner to be without jurisdiction.

9. In that view of the matter, this writ petition shall stand disposed off with a direction to the respondent No. 4/ the District Magistrate, Saharsa to adjudicate the appeal filed by the respondent No. 8 which has been remanded to him for

adjudication by the Divisional Commissioner, Saharsa, as expeditiously as possible and preferably within two months from the date of receipt of certified copy of the order, after hearing both the parties to the appeal.

10. The District Magistrate, Saharsa shall adjudicate the appeal filed by the respondent No. 8 without being influenced in any manner by the observation that have been made by the Divisional Commissioner, Saharsa/ respondent No. 3 in the impugned order dated 21.10.2025 in Anganwadi Appeal Case No. 142 of 2024.

11. The writ petition is disposed off with the above direction.

(Nani Tagia, J)

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