

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.835 of 2022

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Soni Kumari @ Shiyawanti Devi, Wife of Shivnath Rajwar, Resident of Village-Tetariya, Ward No. 1, Under Gram Panchayat- Naur, Block-Nabinagar, District-Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social and Welfare Department, Government of Bihar, Patna.
2. The Secretary, Social and Welfare Department, Government of Bihar, Patna.
3. The Director, Integrated Child Development Scheme, Indira Bhawan, West Boring Canal Road, Patna.
4. The Divisional Commissioner, Magadh Division, Patna.
5. The District Magistrate cum Collector, Aurangabad.
6. The Additional Collector-cum-Additional District Magistrate, Aurangabad.
7. The District Programme Officer-cum-Integrated Child Development Officer, Aurangabad.
8. The Sub-Divisional Officer, Nabinagar, Aurangabad.
9. The Block Development Officer, Nabinagar, Aurangabad.
10. The Child Development Project Officer, Nabinagar, District-Aurangabad.
11. Punam Kumari, Wife of Rajeshwar Ram, Resident of Village- Tetaeya, Ward No.-2, Under Gram Panchayat- Naur, Block- Nabinagar, District-Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Advocate
For the Respondent/s : Dr. Md. Raisul Haque, SC-10

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 24-03-2026

Heard learned counsel for the petitioner and learned
counsel for the respondents.

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



“i. For Issuance of appropriate Writ/s, Order/s, Direction/s for quashing the impugned order dated 16.04.2021 passed in Anganwadi Sevika Sahayika Selection Appeal No. $\frac{05/2020}{420/2019}$

ii. For issuance of appropriate Writ/s, Order/s, Direction/s for quashing the impugned order dated 03.10.2017 contain in Memo No. 1108 passed in Anganwadi Sevika/Sahayika Selection Appeal No. 13/2016.

iii. For issuance of Writ/s, Order/s, Direction/s in the nature of mandamus commanding the respondents to immediately appoint the petitioner on the post of Anganwadi Sevika, under Gram Panchayat Naur, Ward No. 1, Block Nabinagar, District Aurangabad, whereby and under the petitioner applied for the post of Anganwadi Sevika for Centre No. 35.

iv. For further prayer of the petitioner to direct the concern respondent to cancel the appointment of Respondent No. 11 because she obtained the appointment in place of petitioner by committing forgery and submitting wrong facts.

v. For further initiate an inquiry against the appointment of Respondent No. 11 and imposed a sufficient punishment for her illegal act.

vi. For further any other relief / reliefs, order/orders, direction/directions, may deem fit and proper in the facts and circumstances of this case.”

3. The case of the petitioner in brief is that the respondents having come out with Advertisement no.8/2015



inviting applications for appointment on the post of *Anganwadi Sevika* at Centre Code 35, village- Tatariya in Gram Panchayat-Naur, the petitioner as also the respondent no.11 filed their applications.

4. After the process of selection having been carried out by the respondents, the petitioner came to be appointed which appointment was challenged by the respondent no.11 by filing an application before the District Programme Officer and which came to be registered as *Anganwadi Sevika* Selection Appeal Case no.13 of 2016.

5. By order dated 26.9.2017, the District Programme Officer, Aurangabad was pleased to allow the said case and directed for appointment of respondent no.11 as *Anganwadi Sevika*.

6. The petitioner moved this Court by filing CWJC no.22750 of 2019. This writ application was disposed of by order dated 10.1.2020 directing the respondents to dispose of the appeal filed by the petitioner being Case no.9 of 2017.

7. On the direction of this Court, the appeal preferred by the petitioner being *Anganwadi Sevika* Selection Appeal Case no. $\frac{05/2020}{420/2019}$ was heard and the learned Additional Collector by his order dated 16.4.2021 was pleased to reject the



said appeal. It is against these two orders i.e. the order dated 26.9.2017 passed by the District Programme Officer as also the order dated 16.4.2021 whereby the Additional Collector was pleased to reject the appeal preferred by the petitioner that the instant writ application has been filed.

8. Learned counsel for the petitioner submits that the respondent authorities concerned have erred in passing the orders impugned. It is submitted that while the petitioner is a resident of the *poshak kshetra*, the respondent no.11 is not a resident of the same and as such her application should have been rejected on this ground alone. Learned counsel for the petitioner further submits that the petitioner belongs to the caste of *Rajwar* which comes under the Scheduled Caste category. These factors not having been considered by the respondent authorities, they have erred in passing the orders impugned rejecting the prayer made by the petitioner.

9. The application is opposed by learned counsel appearing for the respondents. It is submitted that both the petitioner as also the respondent no.11 belong to the category of Scheduled Caste. It is further submitted that the respondent no.11 also belongs to the *poshak kshetra* for which the appointment of *Anganwadi Sevika* is being made and the same



would be evident from the copy of the voter list of the year 2006, reference of which finds mention in the order dated 16.4.2021 of the Additional Collector. It is finally submitted that the appointments are made as per the marks obtained in matriculation and while the respondent no.11 is said to have obtained 50.28 percent, the petitioner obtained 43.71 percent. In these circumstances, the respondent no.11 was rightly appointed and there is no merit in the instant writ application.

10. Heard learned counsel for the parties and perused the material on record.

11. The relevant facts in brief are that pursuant to the respondents having come out with Advertisement no.8/2015 for appointment of *Anganwadi Sevika* at Centre Code 35, village-Tetariya under ward no.1 of Gram Panchayat- Naur, both the petitioner and respondent no.11 were applicants. It is not in contention that both the petitioner as also the respondent no.11 belong to the category of Scheduled Caste. While the respondent no.11 had obtained 50.28 percent in the matriculation examination, so far as the petitioner is concerned she had obtained 43.71 percent.

12. So far as the contention of the petitioner that respondent no.11 is not a resident of the *poshak kshetra* is



concerned, it may be observed here that the respondent no.11 in course of the matter being heard by the Additional Collector submitted the voter list of both the years 2006 as also the year 2016. The learned Additional Collector referring to the voter list of the year 2006 mentions that while the name of Punam Kumari (respondent no.11) figures at serial no.278 of the list, the name of her husband figures at serial no.279. Taking these factors into consideration, the Additional Collector by the order impugned dated 16.4.2021 rejected the appeal preferred by the petitioner and upheld the order of the District Programme Officer, Aurangabad appointing the respondent no.11 as *Anganwadi Sevika*.

13. In view of the facts and circumstances of the case, the Court finds no illegality either in the order dated 26.9.2017 of the District Programme Officer, Aurangabad nor in the order dated 16.4.2021 of the Additional Collector, Aurangabad.

14. The application is dismissed.

(Partha Sarthy, J)

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CAV DATE	
Uploading Date	26.03.2026
Transmission Date	

