

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.715 of 2022

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Nirmala Kumari Wife of Ravindra Prasad Resident of Village-Allapur, P.O.-
Sonbarsa, P.S.-Barauli, District-Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Bihar, Patna.
2. The Collector, Gopalganj.
3. Sub-Divisional Officer, Gopalganj, At Gopalganj, District-Gopalganj.
4. Welfare Officer, Gopalganj, District-Gopalganj.
5. Block Development Officer, Barauli at Barauli, District-Gopalganj.
6. Child Development Project Officer, Barauli at P.S.-Barauli, District-Gopalganj.
7. Gram Sevak Cum Panchayat Sachiv (Sri Raj Lotan Dubey) Sonebarsha Panchayat, P.S.-Barauli, District-Gopalganj.
8. Mukhiya Sonebarsha Panchayat (Smt. Krishnawati Devi, W/o Madan Ram) P.O.-Sonebarsha Panchayat, P.S.-Barauli, District-Gopalganj.
9. Mukesh Devi Wife of Sanjay Chaudhry Resident of Village-Alapur, P.O.-Sonebarsha, P.S.-Barauli, District-Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mithilesh Kr. Upadhyay, Advocate Ms. Tetara Kumari, Advocate Mr. Raju Prasad, Advocate Mr. Harendra Kumar, Advocate
For the Respondent/s	:	Mr. Prashant Pratap, G.P.2

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

7 13-03-2026 Heard learned counsel for the petitioner, learned

counsel for the State of Bihar and learned counsel for the

respondent no.9.

2. The petitioner has filed the instant application
praying for setting aside the order dated 4.8.2021 passed in
Anganwari Appeal no.1 of 2018 by the Collector, Gopalganj
whereby the appeal filed by the petitioner was rejected.



3. The relevant facts in brief are that pursuant to the respondents having come out with an advertisement in the year 2007 for selection and appointment of Anganwari Sevika and Sahayika, the petitioner applied for appointment as an Anganwari Sevika.

4. It is submitted by learned counsel for the petitioner that inspite of names of both the petitioner and her husband, being in the voterlist of the Gram Panchayat (Annexure 4 to the writ application), in the Aam Sabha conducted for the selection, while respondent no.9 was selected, the petitioner was not selected inspite of having the highest marks. This led to the petitioner filing CWJC no.10196 of 2008 which was disposed of by order dated 14.11.2017 (Annexure 1) sending the petitioner before the Collector who on filing of the appeal/objection by the petitioner was required to examine the matter and pass a reasoned order in accordance with law.

5. It is further submitted by learned counsel for the petitioner that as directed the petitioner filed an appeal which was registered as Anganwari Appeal no.1 of 2018 and the same was rejected by the Collector by his order dated 4.8.2021 which has been challenged by the petitioner in the instant writ application.



6. Learned counsel for the petitioner has taken the Court through the contents of the order dated 4.8.2021. On perusal of the same, it transpires that the Collector has observed therein that on perusal of the documents available on record, that the fact which transpires is that the petitioner is mainly a resident of Barauli Nagar Panchayat which is at present Ward no.5 of Nagar Parishad Barauli and she is not a resident of Sonbarsa Panchayat and with which she has no concern.

7. The application is opposed by learned counsel appearing for the State of Bihar as also learned counsel appearing for the respondent no.9. It is submitted by learned counsel for the respondents that the petitioner has been misrepresenting from the very beginning which is for this reason that on an earlier occasion she has filed an application for appointment as Anganwari Sevika of Ward no.5 of Anganwari Barauli and subsequently has made an application for appointment as Anganwari Sevika of Alapur Gram Panchayat Raj Sonbarsa.

8. Having heard learned counsel for the parties and having perused the material on record, it transpires that on the matter being remanded to the Collector, Gopalganj by order dated 14.11.2017 passed by this Court, the Collector was



required to examine the documents as also the case of both the parties and thereafter arrived at a conclusion adjudicating the issue before it. However, on perusal of the order impugned dated 4.8.2021, it transpires that the Collector observes therein that he has gone through the documents available on record and without discussing either the case of the parties or any of the materials/documents, has only given his conclusion/finding of the petitioner not being a resident of Gram Panchayat Sonbarsa.

9. In view of the facts and circumstances stated herein above, the order dated 4.8.2021 passed by the Collector, Gopalganj is not sustainable and is accordingly set aside.

10. The matter is remanded back to the Collector, Gopalganj for once again deciding the same in accordance with law after hearing both the parties within a period of three months from today.

11. Both the petitioner as also the respondent no.9 shall appear before the Collector, Gopalganj on 25.3.2026 on which date the Collector, Gopalganj shall fix a date and proceed to decide the matter.

12. The writ application stands disposed of.

(Partha Sarthy, J)

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