

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2132 of 2022

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Smt. Minta Devi @ Minta Devi Wife of Pradeep Mahto, resident of Village-Salehpur Malahi Tola, Police Station-Kuchaikote, District-Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through its Secretary, Integrated Child Development Services, Social Welfare Department, Government of Bihar, Patna.
2. The District Magistrate, Gopalganj.
3. The District Programme Officer, Gopalganj.
4. The Child Development Programme Officer, Kuchaikote, Gopalganj.
5. The Block Development Officer, Kuchaikote, Gopalganj.
6. Indrawati Devi, wife of Bhrigushram Prasad, resident of Village-Salehpur, Malahi Tola, Police Station-Kuchaikote, District-Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Lokesh Kumar Singh, Advocate
For the State	:	Mr. Prashant Pratap, GP-2
For the Respondent no.6	:	Mr. Manager Sah, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 09-04-2026 Heard learned counsel for the petitioner, learned counsel for the State of Bihar and learned counsel for the respondent no.6.

2. The petitioner has filed the instant application for the following relief(s):

“That this is an application for issuance of an appropriate writ and/or order and/ or direction to quash the order dated 18.11.2021 passed by the District Magistrate, Gopalganj in Anganwari Appeal Case No. 03/2019 by which the District Magistrate, Gopalganj has been pleased to quash the order dated 09.01.2019 (issued vide memo no. 182, dated



01.02.2019) passed by the District Programme Officer, Gopalganj.

The petitioner also seeks a direction to the respondents to continue on the post of Anganwari Sevika in Salehpur, Malahi Tola village, Ward No. 07, Gram Panchayat, Salehpur Centre No. 342 during the pendency of writ application.”

3. The matter in issue relates to appointment on the post of Anganwari Sevika in Panchayat Salehpur, Malahi Tola Village, Ward no.7, Gram Panchayat, Salehpur Centre no.342 in the district of Gopalganj.

4. The case of the petitioner is that the respondents having come out with an advertisement on 20.11.2017 for appointment of Anganwari Sevika, the petitioner as also the respondent no.6 applied for the same and the petitioner was appointed. The respondent no.6 challenged the appointment of the petitioner by filing a case before the District Programme Officer, Gopalganj (respondent no.3), however, the same was dismissed. The respondent no.6 thereafter filed an appeal being Anganwari Appeal Case no.3 of 2019 before the Collector, Gopalganj which was allowed by the Collector by order dated 18.11.2021 and as such, the same has been challenged by the petitioner in the instant writ application.

5. Learned counsel for the petitioner submits that both the petitioner and the respondent no.6 belong to the EBC



category and it is also not in dispute that in the matriculation examination, the respondent no.6 has higher marks. It is submitted that as per Clause 3 of the 2016 guidelines for appointment of Anganwari Sevika and Sahayika, the age of the applicant should be between 18 years to 40 years. The date of birth of the respondent no.6 being 15.3.1977, she was approximately 40 years and 8 months on the date of the advertisement ie 20.11.2017 and as such, was not eligible to have applied. Learned counsel thus submits that the order dated 18.11.2021 of the Collector allowing the application of respondent no.6 and setting aside the appointment of the petitioner as Anganwari Sevika be quashed and the writ application be allowed.

6. The application is opposed by learned counsel appearing for the respondent no.6 who submitted that so far as Clause 3 of the guidelines of 2016 stating about the age of the applicant being 18 years to 40 years is concerned, the same is only in case of fresh appointment being made as an Anganwari Sevika or Sahayika. Learned counsel for the respondent no.6 submits that it is the admitted case of the parties that the respondent no.6 was working in the capacity of Anganwari Sahayika from before and so far as she is concerned, it is not a



case of fresh appointment but only of change of nature of work.

7. Having heard learned counsel for the parties and having perused the contents of the petition, in the opinion of the Court, the submissions made by learned counsel appearing for the respondent no.6 is of no force and fit to be rejected outright.

8. In the opinion of the Court, the respondents came out with an advertisement for the purpose of appointment of Anganwari Sevika wherein both the petitioner and the respondent no.6 were applicants. It is also not in dispute that on the date of advertisement ie 20.11.2017, the date of birth of the respondent no.6 being 15.3.1977, she was clearly over 40 years of age and thus was not eligible to file her application as per the provisions contained in Clause 3 of the 2016 guidelines.

9. In view of the facts and circumstances of the case, in the opinion of the Court, the Collector, Gopalganj erred in allowing the appeal filed by the respondent no.6. Thus, the order passed in the appeal cannot be sustained. The order dated 18.11.2021 passed in Anganwari Appeal Case no.3 of 2019 by the Collector, Gopalganj is hereby set aside.

10. The candidature of the petitioner shall be restored and the respondents shall ensure her joining with immediate effect within a period of four weeks from the date of



receipt/production of a copy of this order.

11. The writ application is allowed with all consequential benefits.

(Partha Sarthy, J)

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