

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4937 of 2020

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Bibha Devi, Wife of Satynarayan Thakur, resident of Village- Finglas, Ward No. 14, Block and P.S. Raghapur, District- Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Social Welfare, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Social Welfare, Government of Bihar, Patna.
3. The Director, I.C.D.S., Department of Social Welfare, Government of Bihar, Patna.
4. The District Magistrate, Supaul.
5. The District Programme Officer, I.C.D.S., Supaul.
6. The Block Development Officer, Raghapur, District- Supaul.
7. The Child Development Project Officer (C.D.P.O.), Raghapur, District- Supaul.
8. Rajo Kumari, Wife of Raj Kumar Sharma, resident of Village- Finglas, Ward No. 14, Block and P.S. - Raghapur, District- Supaul.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Pramod Mishra, Advocate
For the Respondent/s	:	Mr. S.K.Mandal, SC-3
		Mr. Amrit Abhijat, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 09-07-2026

Heard learned Advocates appearing for the respective parties.

2. The present writ petition has been filed challenging the order dated 24.11.2018 passed by the District Programme Officer (ICDS), Supaul, in Case No. 01 of 2018, whereby the



claim of the petitioner was rejected primarily on the grounds that she failed to produce any documentary evidence in support of her claim that she belonged to Ward No. 14, Centre No. 224, Finglas, Block-Raghopur, District-Supaul, and further the complaint had been preferred after an unexplained delay of nearly four years. The petitioner has also challenged the order dated 19.10.2019 passed by the District Magistrate, Supaul, in Anganwadi Appeal Case No. 14 of 2019, whereby the appeal preferred against the aforesaid order came to be dismissed.

3. The brief facts giving rise to the present writ petition are that, pursuant to an advertisement issued for selection to the post of Anganwadi Sevika for Centre No. 224 under Gram Panchayat Finglas, Ward No. 14, Block-Raghopur, the petitioner, along with two other candidates, submitted their respective applications along with the requisite documents. Upon scrutiny of the applications, a merit list was prepared and an Aam Sabha was convened on 01.07.2014. Thereafter, the selection letter was issued in favour of respondent no. 8 on 03.07.2014.

4. Being aggrieved by the said selection, the petitioner approached the District Programme Officer in the year 2018 by filing a complaint alleging, *inter alia*, that there were



discrepancies in the date of birth of respondent no. 8 and she had obtained educational certificates both from Madhyama Examination as well as Matriculation conducted by the Bihar School Examination Board containing two different date of birth; as also the mother-in-law of respondent no. 8 was holding the office of Ward Member at the relevant point of time, thereby rendering the entire selection mala fide and illegal.

5. The complaint filed by the petitioner was duly considered by the District Programme Officer. Upon examination of the materials available on record, it was found that the petitioner had failed to substantiate the allegations levelled against respondent no. 8. The authority further recorded that the petitioner could not be able to establish that she was a resident and beneficiary of the concerned Poshak Kshetra under Ward No. 14. It was also noticed that the complaint had been filed after an inordinate delay of about four years. Accordingly, the complaint was rejected.

6. Aggrieved by the aforesaid order, the petitioner initially approached this Court by filing CWJC No. 1943 of 2019. However, the learned Court taking note of the availability of an efficacious remedy of appeal under the relevant scheme, before the District Magistrate, permitted the petitioner to



withdraw the writ petition with liberty to avail the said remedy. Consequently, the writ petition was disposed of vide order dated 06.02.2019.

7. Pursuant thereto, the petitioner preferred Anganwadi Appeal Case No. 14 of 2019 before the Collector-cum-District Magistrate, Supaul. Upon notice, respondent no. 8 entered her appearance and filed a detailed reply contesting the allegations.

8. The District Magistrate, upon consideration of the materials on record, observed that the selection had been conducted strictly in accordance with the Guidelines, 2011, which were governing the field at the relevant time, and that the subsequent Guidelines, 2016 had no application to the selection in question. It was further observed that, prior to the date of selection, the mother-in-law of respondent no. 8 had already tendered her resignation from the office of Ward Member. The appellate authority also recorded a categorical finding that the petitioner was not the resident of the Poshak Kshetra under Ward No. 14 and was, in fact, a resident of Ward No. 15. The District Magistrate-cum-Appellate-Authority further found that the petitioner has failed to produce any credible material to establish that respondent no. 8 had obtained appointment on the



basis of forged or fabricated madhyame matriculation certificates containing two date of birth consequently, the appeal was dismissed. Aggrieved thereby, the petitioner has preferred the present writ petition questioning the legality of both the aforesaid orders.

9. At the outset, learned Advocates appearing for the State as well as respondent no. 8 raised a preliminary objection regarding the maintainability of the writ petition by placing reliance upon the judgment of the Division Bench of this Court in *Nitu Kumari v. The State of Bihar & Ors., reported in PLJR 2011 (4) PLJR 20*. It has been contended that the engagement of an Anganwadi Sevika is purely contractual in nature, carrying only payment of honorarium, and does not confer any right to hold a civil post attracting the protection of Article 311 of the Constitution of India. It has further been held therein that, even if any grievance is found to be justified, ordinarily the appropriate remedy would be a claim for damages before the competent civil court and not reinstatement in exercise of writ jurisdiction.

10. It is further contended that the petitioner, admittedly being a resident of a different ward and having approached the authority after an inordinate delay, lacked the



locus to question the selection of respondent no. 8.

11. Having considered the rival submissions advanced by the learned Advocates for the respective parties and upon perusal of the impugned orders passed by the District Programme Officer as well as the District Magistrate, this Court finds that the challenges led by the petitioner were duly considered by both the authorities, who have concurrently recorded their finding that the petitioner failed to establish that she belonged to the concerned Poshak Kshetra under Ward No.

14. The allegation that the mother-in-law of respondent no. 8 was functioning as Ward Member at the time of selection has also been found to be factually incorrect, inasmuch as she had already resigned prior to the selection process. Likewise, the petitioner has also failed to produce any cogent evidence to substantiate the allegation that respondent no. 8 had secured selection on the strength of forged or fabricated matriculation certificates or by suppressing her actual date of birth. It is also noteworthy that, during the intervening period, the procedure governing the selection and engagement of Anganwadi Sevika and Sahayika has undergone substantial changes with the enforcement of subsequent guidelines.

12. In view of the concurrent findings of fact recorded



by the competent authorities, which do not suffer from any perversity, arbitrariness or jurisdictional error warranting interference in exercise of the extraordinary writ jurisdiction under Article 226 of the Constitution of India, this Court finds no merit in the present writ petition.

13. Accordingly, the writ petition stands dismissed.

(Harish Kumar, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13-07-2026
Transmission Date	

