

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21129 of 2014

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Ponam Kumari W/o - Shri Rajkamal Rai, R/o - Village - Kalyanpur, Basti
Purav Brahampur Das Tola, P.S. - Mohuddin Nagar, Distt. - Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Social Welfare, Government of Bihar, Patna.
2. The Principal Secretary, Dept. of Social Welfare, Govt. of Bihar, Patna
3. The Director, Integrated Child Development Services, Dept of Social Welfare, Govt. of Bihar, Patna.
4. The Distt. Magistrate, Samastipur
5. The Incharge Deputy Collector, Distt. Public Grievance Cell, Samastipur.
6. The Distt. Programme Officer, Samastirpu.
7. The Child Development Project, Mohiuddin Nagar, Distt. - Samastipur.
8. Mukhiya, Gram Panchayat Raj, Kalyanpur Basti Purav Brahampur Das Tola, Block - Mohuddin Nagar, Dis
9. Kanchan Rai W/o - Awadhesh Kumar rai R/o Village - Navtol Tanra Brahampur Das Tola, P.S. - Mohuddin Nagar, Distt. - Samastipur

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Arun Kumar, Advocate
For the State	:	M/sVivek Prasad, AC to GP 7
		Sanjay Kumar, AC to GP 7
		Manisha Singh, AC to GP 7

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 11-02-2026

1. The petitioner has filed the instant application for the following relief:

*“i. For issuance of an appropriate
Writ in the nature of of the certiorari for
quashing the decision of the respondent
Child Development Project Officer,*



(C.D.P.O.) Mohiuddin Nagar to the extent as mentioned in the remarks column of the merit list dated 17.08.2013 by which the petitioner has been denied appointment on the post of Anganbari Sevika and has been ousted from the selection process on the ground that she does not come within the Poshak Area.

ii. For issuance of a Writ in the nature of Mandamus commanding the Respondents to appoint the Petitioner on the post of Anganbari Sevika of Brahampur Das Tola, Anganbari Centre No. 110, Ward No. 14, as Petitioner is at the top of the merit list prepared and issued by the Child Development Project Officer, Mohiuddin Nagar, Samastipur.

iii. For issuance of an appropriate Writ holding and declaring the decision of the Child Development Project



Officer, Mohiuddin Nagar to oust petitioner from the selection/appointment on the ground of being not falling within the Poshak arca is wholly arbitrary, illegal, malafide and error of record.

iv. For any other relief/s for which the petitioner is entitled in the eye of law in the facts and circumstances of the Case.”

2. The case of the petitioner culled out of the Writ petition is that the Integrated Child Development Scheme (I.C.D.S.) is a centrally sponsored welfare scheme implemented through Anganbari Centres for providing essential services to poor children aged 0-6 years and to pregnant and lactating women. The appointment of Anganbari Sevika is governed by departmental guidelines, under which the selection is made at the Tola/Ward level through the Aam Sabha, and preference is given to eligible candidates belonging to the concerned Poshak Area. It is



submitted that pursuant to an advertisement published on 19.07.2013 in the daily newspaper *Dainik Jagran*, applications were invited for appointment of Anganbari Sevika to various Anganbari Centres, including Centre No. 110. The petitioner, having fulfilled all eligibility criteria, applied in the prescribed format. Thereafter, an Aam Sabha meeting was held, and a provisional merit list was prepared by the C.D.P.O. on 17.08.2013, wherein the petitioner secured the highest marks (62.57%) and was placed at the top of the merit list. It is further submitted that however, despite her position in the merit list, the petitioner was denied appointment on the ground that she does not belong to the Poshak Area of the concerned Anganbari Centre.

3. It is submitted by the Learned counsel for the petitioner that Anganbari Centre No. 110 is situated in Ward No. 13, and that the said Centre caters jointly to Ward Nos. 13 and 14, as was done on previous occasions as well. The petitioner is a resident of Ward No. 13, which is



supported by a certificate issued by the Mukhiya of the concerned Gram Panchayat. It is contended that being aggrieved by her exclusion, the petitioner has made several representations before the C.D.P.O., the District Magistrate, and the District Public Grievance Cell. Although directions were issued for submission of a report, no effective or impartial enquiry was conducted. The petitioner alleges that the so-called enquiry was arbitrary, based on a limited and selective survey, and that several eligible residents were deliberately excluded from the mapping register.

4. It is further contended that no notice or opportunity of hearing was afforded to her before recording the adverse finding regarding her residence. She alleges that the action of the respondents is arbitrary, malafide, and intended to favour another candidate, thereby violating the principles of natural justice.

5. The petitioner alleges malafide conduct on the part of the C.D.P.O., asserting that she was deliberately ousted to favour another



candidate. It is submitted that the impugned order is non-speaking order without jurisdiction, and contrary to the scheme guidelines. Accordingly, the Learned counsel prays to quash of the impugned decision and for issuance of a Writ of mandamus directing the respondents to appoint the petitioner as Anganbari Sevika for Anganbari Centre No. 110.

6. A detailed counter affidavit was filed on behalf of respondent nos. 6 and 7 denying the allegation of Writ petition. It is stated that pursuant to a notice, applications were invited from eligible candidates for appointment to vacant posts of Anganbari Sevika from different Panchayats of district Samastipur, including Centre Code No. 110, and the selection process was conducted strictly in accordance with the Selection Guidelines, 2011. A General Body Meeting (Aam Sabha) for selection of Anganbari Sevika for Centre Code No. 110, Ward No. 14 was held, wherein the selection guidelines of 2011 were duly explained to the participants. Seven candidates participated in the selection process. The petitioner was not present in the said



Aam Sabha.

7. The Learned counsel for the respondents submits that during the selection process, a panel was prepared in which the name of Kanchan Rai (private respondent) appeared at Serial No. 1 and she was declared selected, as she was found to be a resident of the concerned Poshak Area. Though the petitioner had earlier appeared at Serial No. 1 in the provisional merit list dated 17.08.2013, she, along with another candidate, were found not to be a residents of the concerned Poshak Area, whereas the private respondent, though placed at Serial No. 3, fulfilled the mandatory residential requirement.

8. It is further submitted that Clause 4.5 of the Selection Guidelines, 2011 mandates that an Anganbari Sevika must be a permanent resident of the concerned Poshak Area, which reads as follows:

“सेविका को संबंधित पोषक क्षेत्र का स्थायी निवासी होना अनिवार्य होगा। इसके लिए सक्षम प्राधिकार द्वारा निर्गत आवासीय प्रमाण पत्र साक्ष्य माना जायेगा।”



9. It is further submitted that on receipt of complaints made by the petitioner, the C.D.P.O., Mohiuddin Nagar, submitted a clarification to the District Programme Officer, Samastipur vide letter No. 434 dated 29.08.2013, stating that Centre Code No. 110 is an old centre which, after ward-wise delimitation, falls under Ward No. 14. The earlier Sevika belonged to Ward No. 14, and after her death, selection was required to be made strictly made ward-wise, in accordance with the revised delimitation.

10. The respondents deny the petitioner's claim that the centre was jointly meant for Ward Nos. 13 and 14, which was found to be baseless, as reflected in the clarification submitted by the C.D.P.O. dated 29.08.2013. Admittedly the petitioner is a resident of Ward No. 13, as evident from her own representations and the residential certificate issued by the Mukhiya, hence she did not fulfil the essential eligibility condition under Clause 4.5 of the Guidelines, which mandates residence within the concerned Poshak Area, i.e.,



Ward No. 14.

11. The respondents assert that although the petitioner secured higher marks than the private respondent, mere merit alone does not confer a right to selection in absence of fulfilment of mandatory eligibility conditions. The notice itself clearly stipulated that the appointment was for Ward No. 14, and only in the absence of an eligible candidate from the said ward candidates from neighbouring wards would be considered. Since an eligible candidate from Ward No. 14 was available, the petitioner could not be considered.

12. It is also submitted that the petitioner has not availed the alternative statutory remedy available to her and, therefore, prayed to dismiss the Writ petition.

13. Heard the Learned counsel for the petitioner as well as the Learned counsel for the respondents.

14. Considering the submissions of both the parties and upon perusal of the contents of the Writ petition, and counter affidavit a



General Body Meeting was held on 17.10.2014 to fill up the post of Sevika of Ward No. 110 and the participants were apprise of the guidelines of selection of the year 2011. The candidatures of the 7 candidates were discussed, however, the Petitioner was not present in the Aam Sabha. The panel was prepared wherein the name of Kanchan Rai figured at Serial No. 1 and she was declared as selected candidates whereas the Petitioner was not found to be of the Poshak Area and as such she was not selected. The merit list was prepared on 17.08.2013 as contained in Annexure-1 from where it is evident that the Petitioner figured at Serial No. 1 and one Usha Kumari figured at Serial No. 2 but they both did not fall within Poshak Area and the private respondent being at Serial No. 3 was found to be within Poshak Area.

15. It further transpires from the contents of the counter affidavit that the selection process was admitted being conducted as per 2011 Guidelines and the requisite qualification for selection of Anganbari Sevika is laid down in



Clause-IV of the guidelines and the relevant clause for the present case is Clause-4.5 which reads as under. 4.5 सेविका को संबंधित पोषक क्षेत्र का स्थायी निवासी होना अनिवार्य होगा। इसके लिए सक्षम प्राधिकार द्वारा निर्गत आवासीय प्रमाण पत्र साक्ष्य माना जायेगा"

16. Therefore, Court is of the considered view that the action of respondents is not arbitrary or illegal in selecting the private respondents as Anganbari Sevika to warrant any interference by this Court.

17. Accordingly, the Writ petition is dismissed as devoid of merits.

18. Interlocutory Application, if any, shall stands disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.02.2026
Transmission Date	

