

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24582 of 2013

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Banti Kumari Wife Of Shailendra Kumar Verma Resident Of Village-
Kharjamma, Post- Maghara, P.S.- Deep Nagar, District- Nalanda. At Present
Anganbari Sevika, Kharjamma Centre, District- Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. Deputy Director, Welfare, Patna Pramandal, Patna
3. District Magistrate, Nalanda At Bihar Sharif
4. District Programme Officer, Nalanda
5. Panchayat Secretary, Gram Panchayat Raj Maghra, Bihar Sharif, Nalanda
6. Child Development Project Officer Rural Bihar Sharif, District- Nalanda
7. Shyama Kumari Wife Of Rajeshwar Prasad Resident Of Village- Biyawani,
P.S.- Deep Nagar, District- Nalanda

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Madan Kumar, Advocate
For the Respondent/s	:	Mr. Jawahar Pd. Karn, AAG-4
	:	Mr. Pankaj Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL JUDGMENT

Date : 23-06-2026

Heard the learned counsel for the parties.

2. The petitioner has filed the present writ petition for quashing the order dated 19.10.2013 passed in Anganwari Appeal No. 35 of 2012 by the learned Deputy Director, Welfare, Patna Division, Patna, whereby he allowed the appeal filed by the private respondent no.7 herein and set aside the Memo No. 678 dated 21.02.2012, issued by the District Programme Officer, Nalanda whereby the selection of the private respondent no.7 was dispensed with.



3. The learned counsel for the petitioner submits that the petitioner was appointed as Anganwari Sewika, pursuant to an advertisement, which was issued by the respondent authorities. He submits that in the meeting of the Aam Sabha dated 21.01.2013, the petitioner was selected as Anganwari Sevika for Ward No.1 Anganwari Center No.06 and appointment letter was issued vide Memo No. 117 dated 27.02.2013. Pursuant thereto, she gave her joining and started working. He further submits that the respondent no.7, who is not a permanent resident of Gram Panchayat Raj Maghra, District- Nalanda, under which Kharjamma Centre in Gram Panchayat Raj Maghra, Bihar Sharif, Nalanda is situated. However she was illegally appointed as Anganwari Sevika in the year 2011, before appointment of the petitioner on the said post. Since, the said Shyama Kumari is not the resident of the said panchayat and even her husband is in Government service, she should not have been selected as Anganwari Sevika in terms of the Anganwari Chayan Margdarshika 2011. He submits that the respondent no.7 was appointed by the Ex. Mukhiya, however later on, she was removed from her services as Anganwari Sevika by Memo No. 678 dated 21.02.2012, issued under the signature of the District Programme Officer.



4. The learned counsel for the petitioner further submits that since the respondent no.7 was removed and fresh advertisement was issued for selection of Anganwari Sevika for the said Anganwari Centre, the petitioner duly submitted her application and was declared to be number one in the merit list and pursuant thereto, appointment letter was issued to her. She accordingly gave her joining and started working, however she was removed as Anganwari Sevika pursuant to the order dated 27.09.2013/19.10.2013 passed by the Deputy Director, Welfare, Patna Division, Patna.

5. The learned counsel for the petitioner submits that the appointment of the petitioner was duly made on the recommendation of the meeting of the Aam Sabha and therefore, her selection was in terms of the Anganwari Sevika/Sahayika Appointment Guidelines, issued by the Government and the respondent no.7, who is not a resident of the said Panchayat, should not have been appointed on the said post.

6. Per contra, the learned counsel for the State submits that the private respondent no.7 was selected as Sevika for the Anganwari Centre in question after due selection. She was directed to participate in the training programme vide Memo No. 04 dated 21.04.1995 and she started working from 1995 itself. He submits



that vide Memo No. 678 dated 21.02.2012, issued under the signature of the District Programme Officer, Nalanda, some illegality and irregularity was found in running the centre in question and she was found absent from the centre at the time of inspection made by the C.D.P.O. (Rural), Bihar Sharif, Nalanda on 20.01.2012 at 01:00 P.M.. An explanation was asked for from the respondent no.7. The respondent no.7 submitted her explanation to the effect that on the date of inspection, she was suffering from vomiting and loose-motion and was under treatment at Sadar Hospital, Bihar Sharif. She proceeded on leave after giving leave application to the Sahayika of the centre, however being dissatisfied with the explanation submitted by the respondent no.7, her services were terminated. The respondent no.7 filed an appeal before the competent authority, which was numbered as Anganwari Appeal Case No. 35 of 2012. The same was finally allowed vide order dated 27.09.2013/19.10.2013 passed by the Deputy Director, Welfare, Patna Division, Patna and the respondent no.7 was reinstated by order contained in letter No. 4659 dated 05.12.2013, issued under the signature of the District Programme Officer, Nalanda. The respondent no.7 gave her joining on 14.12.2013 and started working as Sevika for the Anganwari Centre No. 06.



7. The learned counsel for the State further submits that the respondent no.7 was selected in 1994-95 and no objection was raised by anyone at the relevant time and the guidelines issued in the year 2011, which prescribed that the applicant for post of Anganwari Sevika should not be wife of Government or Semi-Government Employee was not applicable at the relevant time. He submits that the reinstatement of the respondent no.7 is in accordance with the law and there is no infirmity in the same.

8. The learned counsel for the respondent no.7 submits that the respondent no.7 was selected as Anganwari Sevika in the year 1995 itself vide office order dated 21.04.1995. She submitted her joining and was discharging her duties to the satisfaction of the authorities concerned. On 20.01.2012, when the respondent no.7 was not available due to her illness and was under treatment at Bihar Sharif, an inspection was made, wherein she was not found present and an explanation was asked for from her. Without considering her explanation, the respondent no.7 was terminated on 21.02.2012. She immediately thereafter filed an appeal, which was numbered as Anganwari Appeal No. 35 of 2012 and the same was allowed vide impugned order dated 27.09.2013/19.10.2013. He further submits that pursuant to the order passed by the appellate authority, the respondent no.7 has already joined on the



post of Anganwari Sevika on 14.12.2013 and since then, she is working on the said post.

CONSIDERATION

9. Having heard the rival submissions and after going through the records, it appears that the respondent no.7 was appointed as Anganwari Sevika in 1995 and was working on the said post. An inspection was made on 20.01.2012, however she was found absent from her duties, for which an explanation was asked for from her. Despite submission of her explanation, she was terminated from services. Immediately thereafter, she filed an appeal before the appellate authority, which was numbered as Anganwari Appeal No. 35 of 2012. During pendency of the said appeal, the respondent authorities came out with fresh advertisement for selection of Angwanwari Sevika for the Centre in question. The petitioner, being successful and being at serial no.1 in the merit list, was selected on the said post. Subsequent thereto, the appeal preferred by the respondent no.7 before the appellate authority bearing Appeal No. 35 of 2012 was allowed vide order dated 27.09.2013/19.10.2013 and in terms of the said order, the respondent no.7 has been reinstated in service on 13.12.2013. Pursuant thereto, she gave her joining on 14.12.2013 and is said to be working on the said post till date.



10. From the consideration made above, this Court is of the considered opinion that there is no error apparent in the order dated 26.09.2013/13.10.2013 passed by the Deputy Director, Welfare, Patna Division, Patna and subsequently joining of the respondent no.7 the same need not to be interfered with.

11. Accordingly, the present writ petition is dismissed.

12. Pending application, if any, shall also stands disposed of.

(Ritesh Kumar, J)

AjayMishra/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	25.06.2026
Transmission Date	NA

