

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1484 of 2017

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Mira Devi, Wife of Anil Yadav, Resident of Village- Nimuya, P.S. Majhagarh,
District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Social Welfare Department, Govt. of Bihar, Patna.
2. The Director, I.C.D.S. Bihar, Patna.
3. The Collector, Gopalganj.
4. The District Programme Officer, I.C.D.S. Gopalganj
5. The Child Development Project Officer, Majhagarh, District-Gopalganj
6. Indu Kumari @ Indu Devi, Wife of Ravindra Yadav Resident of Village and P.O. Nimuiya, P.S. Majhagarh, District-Gopalganj.
7. The Bihar School Examination Board, Patna through its Secretary.
8. The Deputy Secretary (Vigilance) Bihar Examination Board, Patna

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Md. Anisur Rahman, Advocate
For the State	:	Mr. Sunil Kr. Mandal, SC-3
		Mr. Arjun Prasad, AC to SC-3
For the Resp. No.6	:	Mr. Nagendra Rai, Advocate
		Mr. Navin Nikunj, Advocate
For the Resp. Nos.7&8	:	Ms. Surya Nilambari, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 19-01-2026

1. Heard learned counsel for the petitioner, learned SC-3 for the State, learned counsel for the private respondent no.6 and learned counsel for the Bihar School Examination Board ('BSEB' in short).

2. The petitioner has filed the instant application for the following reliefs :-



“A. For issuance of appropriate writ/order or direction quashing the order dated 24.5.2016 passed in Anganbari Appeal no. 6/15 by the Collector, Gopalganj by which the appeal filed by the petitioner has been dismissed and the order dated 27.11.2015 (Communicated through Memo no. 1255 dated 30.11.2015) by the respondent no. 4 has been affirmed as contained Annexure-13 to this writ application.

B. For issuance of appropriate writ/order or direction quashing on dated 27.11.2015 and communicated through Memo no. 1255 dated 30.11.2015 by the Respondent no. 4 by which the application filed by the Respondent no. 6 against the selection of the petitioner as Angabari Sevika has been allowed and the selection of the petitioner as Anganbari Sevika at the said Centre has been cancelled as contained in Annexure-13 to this writ application.

C. For issuance of appropriate writ/order or direction commanding the Respondents authorities to engage/select the petitioner as Anganbari Sevika at Centre no. 207 of Nimuya Bhrigun Rai ka Tola in village Nimuiya P.S. Majhagarh, District- Gopalganj after removing the Respondent no. 6.

D. For any other relief or reliefs for which the petitioner is found entitled in the opinion of this Hon'ble court.”

3. The case of the petitioner in brief is that in the



process of selection of *Anganwadi Sevika* for Centre no.207, Nimuiya Bhrigun Rai ka Tola in gram panchayat Nimuiya, Block-Majhagarh in the district of Gopalganj, applications were invited in the year 2012, however the selection process was postponed. Once again, applications were invited for appointment of *Anganwadi Sevika* in the year 2015 pursuant to which the petitioner, respondent no.6 as also one Rina Devi applied. Rina Devi belonging to the EBC category while the *anganwadi* centre relating to the BC category, her application was not considered.

4. It is submitted by learned counsel appearing for the petitioner that pursuant to the applications invited in the year 2012, the respondent no.6 had submitted her matriculation mark-sheet wherein she had secured 200/500 marks. However, on fresh applications having been invited in the year 2014, the mark-sheet submitted by respondent no.6 showed that she had secured 290/500. Pursuant to complaints filed by the petitioner, a report with respect to genuineness of the mark-sheet was obtained from the BSEB and it transpired that the mark-sheet showing the respondent no.6 to have obtained 290/500 marks was not as per the records in the Board.

5. Learned counsel for the petitioner submits that



though by order dated 10.11.2015 (Annexure-11), the District Programme Officer, Gopalganj decided the matter in favour of the petitioner, however the same authority subsequently by order dated 27.11.2015 cancelled the appointment of the petitioner. The appeal preferred by the petitioner before the Collector, Gopalganj vide *Anganwadi* Appeal Case no.6 of 2015 was rejected vide order dated 24.5.2016.

6. It is against the order dated 27.11.2015 passed by the District Programme Officer, Gopalganj and rejection of the appeal vide order dated 24.5.2016 passed in *Anganwadi* Appeal Case no.6 of 2015 by the Collector, Gopalganj that the instant writ application has been preferred.

7. It is submitted by learned counsel appearing for the petitioner that the subject matter of the instant case being the appointment of *Anganwadi Sevika* pursuant to the applications invited vide advertisement in the year 2014 wherein the respondent no.6 submitted a forged mark-sheet showing her to have obtained 290/500 marks, both the authorities i.e. the District Programme Officer, Gopalganj as also the Collector, Gopalganj committed an error in rejecting the application and the appeal preferred by the petitioner. The orders impugned are not sustainable and as such the writ application be allowed and



the respondents be directed to appoint the petitioner as *Anganwadi Sevika*.

8. The application is opposed by learned counsel appearing for the respondent no.6. Learned counsel for respondent no.6 submitted that pursuant to the process of appointment started in the year 2012, both the petitioner as also the respondent no.6 had filed their applications along with their mark-sheet of matriculation. While the respondent no.6 had secured 200/500 marks, the petitioner had secured 157/500 marks. Thus there was no dispute that the respondent no.6 had secured more marks in her matriculation examination and the appointments on the post of *Anganwadi Sevika* being made on the marks obtained in the matriculation examination, there was also no doubt that the respondent no.6 would be appointed. It is further submitted that the appointment pursuant to the 2012 advertisement not having proceeded, fresh applications were invited in the year 2014. So far as the mark-sheet showing the respondent no.6 to have obtained 290/500 marks is concerned, learned counsel submits that it is the categorical case of the respondent that the said mark-sheet was never produced by the respondent no.6 along with her application. Some interpolation has been done in her



mark-sheet. In any case, the respondent no.6 succeeding over the petitioner on the basis of her original mark-sheet, there was no reason for the respondent no.6 to even attempt any interpolation as has been alleged by the petitioner. Taking these factors into consideration, the respondent-District Programme Officer as also the respondent-Collector rightly decided the *anganwadi* case and appeal in favour of the respondent no.6 by the orders which are impugned herein. It is submitted that there is no merit in the instant writ application and the same be dismissed.

9. Learned counsel appearing for the BSEB in reference to the counter affidavit filed on behalf of the Board and more particularly paragraph no.9 thereof submits that the certificates of the respondent no.6 were sent to the Board for verification. As per the verification report, the mark-sheet of respondent no.6 as contained in Annexure-6 and 6/B to the writ petition were found to be true and correct mark-sheets issued by the Board. So far as the mark-sheet annexed as Annexure-6/A to the writ petition is concerned, the figures therein do not match with the entries maintained in the records available with the Board. Thus in the opinion of the Board, the mark-sheet at Annexure-6/A is not genuine.



10. Heard learned counsel for the parties and perused the material on record.

11. The relevant facts in brief are that pursuant to the respondents coming out with an advertisement in the year 2012 for appointment on the post of *Anganwadi Sevika*, both the petitioner as also the respondent no.6 applied. It is not in dispute that appointments as *Anganwadi Sevika* is mainly done on the marks obtained by the candidates in the matriculation examination.

12. Pursuant to the petitioner and the respondent no.6 having filed their applications in the year 2012, a merit list was prepared which has been brought on record as Annexure-R-2 to the counter affidavit filed on behalf of respondent no.6. A perusal of the said merit list would show that while the petitioner herein secured 157/500 marks and had total merit points of 31.4, the respondent no.6 in her matriculation examination secured 200/500 marks and secured 47 merit points. Thus the respondent no.6 was placed at serial no.1, while the petitioner was at serial no.3.

13. As stated above, the process of selection in the year 2012 not having gone to its logical conclusion, the respondents once again invited applications for appointment on



the post of *Anganwadi Sevika* in the year 2015.

14. It may be observed here that so far as the petitioner and respondent no.6 are concerned, both were aware with their respective marks in their matriculation and the merit points that they had secured. On the basis of the respective certificates/mark-sheet, there remained no doubt that out of these two, it would be the respondent no.6 who would be selected for appointment as *Anganwadi Sevika*.

15. It may be noted here that the complaint against respondent no.6 that she had produced another mark-sheet showing her to have obtained 290/500 marks was filed by the petitioner. It is this mark-sheet of the respondent no.6 which on verification with the respondent-Board that it transpired that the same was not correct and the figures mentioned herein did not match with the records maintained by the Board.

16. It is the categorical case of respondent no.6 that the so called mark-sheet showing her to have secured 290/500 marks was never produced by her along with her application. Some interpolation has been done in her original mark-sheet. It is for the reason that even with the marks shown in her original mark-sheet i.e. 200/500, it was the respondent no.6 who was succeeding and came to be appointed.



17. The Court finds substance in the submissions made by respondent no.6. Even as per the original mark-sheet produced by her, the respondent no.6 having secured 200/500 marks which is more than 157/500 secured by the petitioner, the respondent no.6 was rightly selected and appointed as an *Anganwadi Sevika*.

18. The petitioner has not been able to show any illegality in the orders impugned dated 27.11.2015 of the District Programme Officer, I.C.D.S., Gopalganj or in the order dated 24.5.2016 passed in *Anganwadi Appeal Case no.6 of 2015* by the Collector, Gopalganj.

19. The Court finds no merit in the instant application and the same is dismissed.

(Partha Sarthy, J)

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