

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25623 of 2013

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Sangita Kumari W/O Sri Govind Kumar Resident Of Village- Baldihan, P.O-
Talimapur, P.S- Jamo Bazar, District- Siwan. Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Social Welfare Department,
Government of Bihar, Patna.
2. The Divisional Commissioner, Saran Division, Chapra.
3. The District Magistrate, Siwan.
4. The Director, I.C.D.S., Social Welfare Department, Government Of Bihar,
Patna.
5. The District Programme Officer, Siwan.
6. The District Welfare Officer, Siwan
7. The Chiild Development Project Officer, Lakari Nabiganj, Siwan.
8. The Mukhiya, Gram Panchayat Raj, Lakari, Nabiganj, Siwan.
9. The Panchayat Secretary, Gram Panchayat Raj, Lakari Nabiganj, Siwan
10. Usha Devi W/O Sri Naresh Sah Resident Of Village Baldihan, P.O-
Talimapur, P.S- Jamo Bazar, District- Siwan.
11. Bijanti Devi @ Vijyanti Kumari W/O Surendra Prasad Yadav Resident Of
Village- Baldihan, P.O- Talimapur, P.S- Jamo Bazar, District- Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Gyan Prakash, Advocate
	:	Mr. Sharwan Kumar, Advocate
	:	Ms. Parul Priya, Advocate
For the Respondent/s	:	Mr. Raj Nandan Prasad, Advocate
For the Pvt Res. No.10	:	Mr. Satish Kumar Sinha, Advocate
	:	Mr. Javed Aslam, Advocate

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CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

5 14-07-2026 Heard the parties.

2. The present writ petition has been filed for issuance of a writ in the nature of Certiorari for quashing the order dated 22.10.2013 passed by the District Magistrate, Siwan having without jurisdiction in Misc. Appeal No. 55/2013-14 by which he has cancelled the order of cancellation of selection of Usha Devi, Respondent No. 10, as Anganbari Sevika by the District



Programme Officer, Siwan in pursuance of an enquiry held by the District Welfare Officer, Siwan finding her selection illegal as one Vidyanti Kumari, Respondent No. 11 has better candidature than her and strangely cancelled the selection of the petitioner which has made afresh by the fresh Advertisement and meeting of Aam Sabha on 05.09.2013 though the petitioner was not a party in aforesaid illegal selection of Respondent No. 8 and has absolutely no connection with the same and further for issuance writ of mandamus commanding the Respondents Authorities to not disturb the petitioner from working as Anganbari Sevika at Baldihan Angabari Centre, Siwan.

3. At the outset, the learned counsel for the petitioner submits that the order passed in Miscellaneous Appeal Case No. 55 of 2013 -14 by the Collector, Siwan on 20.10.2013 is wholly without jurisdiction inasmuch as that prior to passing of the order dated 22.10.2013, an amendment was carried out on 17.05.2013 with regard to hearing the cases related to the selection of Anganwari Sevika/Sahayika. He submits that in terms of the amendment dated 17.05.2013, an appeal against the order passed by the District Programme Officer is maintainable before the Deputy Director, Welfare or the person authorised by the Commissioner of the concerned division. He further submits



that in terms of the amendment carried out on 17.05.2013, the Collector could not have passed the order dated 22.10.2013, therefore, the order passed by the Collector is wholly without jurisdiction, since after coming into force of the amendment, the Collector was not competent to pass any order.

4. The learned counsel for the private respondent no.10, on the other hand, submits that the Collector passed the order dated 22.10.2013 in Miscellaneous Appeal Case No. 55 of 2013-14, on the matter being remitted back to him by the Commissioner, Saran Division, Chapra vide his order dated 23.07.2012 passed in Anganwari Appeal Case No. 27 of 2010. Therefore, the Collector was not hearing a fresh appeal, rather the same was in continuation of the earlier order passed by the District Welfare Officer, Siwan. He submits that since the Collector was hearing the matter on remand, therefore the same cannot be said to be a fresh appeal and therefore, the Collector was competent enough to hear the matter and to pass the order impugned, which was within his domain.

5. Having considered the rival submissions and after going through the amendment carried out on 17.05.2013, this Court is of the view that the order passed by the Collector, Siwan dated 22.10.2013 in Miscellaneous Appeal Case No. 55



of 2013-14 requires to be set aside and is accordingly set aside.

6. The matter is remitted back to the concerned authority to take decision afresh in terms of the amendment carried out on 17.05.2013. The concerned authority, who is competent to pass the necessary order, will hear the matter, after giving opportunity of hearing to all the concerned, including the petitioner and the respondent no.10 herein and after hearing the parties, will proceed to take fresh decision in accordance with law within a period of four months from the date of receipt/production of a copy of the order.

7. It is further clarified that the petitioner or the respondent no. 10 will have liberty to take recourse to law against any order passed by the concerned authority in terms of the order dated 14.07.2026 passed in this case.

8. With the aforementioned observations/directions, the writ petition is disposed of.

9. Till passing of the final order by the concerned authority, the status-quo, as existing today, shall be maintained.

(Ritesh Kumar, J)

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