

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8579 of 2024

Rita Kumari Wife of Awadhesh Kumar, Resident of Village- Chandaul, P.O.-
Sihuli Gram Panchayat Sihuli, District- Aurangabad, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Social Welfare Department, Government of Bihar, Patna.
2. The Commissioner, Magadh Division, gaya.
3. The District Magistrate, Aurangabad.
4. The District Programme Officer, Aurangabad.
5. The Child Development Project Officer, Rafiganj, Aurangabad.
6. The Mukhiya, Sihuli Gram Panchayat, Block- Rafiganj, District- Aurangabad.
7. Suchita Devi Wife of Kishori Prasad Singh, Resident of Village- Chadaul, P.O.- Sihuli, District-Aurangabad.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Yadav, Adv.
For the Respondent/s : Mr.Government Advocate (10)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 03-02-2026 Heard Learned Counsel for the petitioner, learned
Counsel for the State and learned counsel for the private
respondents.

2. Learned Counsel for the petitioner submits that the
present writ petition has been filed with the following reliefs:-

a) To quash the order dated 15.03.2024 passed in Aanganbari Sevika, selection appeal No. 62/2020, 415/2020 passed by learned Addl. Collector cum- Addl. District Magistrate Aurangabad issued vide Memo No. 1179 dated 16.03.2024 where by and whereunder the appeal preferred by the petitioner rejected without any assigned reason.

(b) To direct the competent authority to select the petitioner on the basis of Circular issued by Circular I.C.D.S. (D) 2783 dated 03.10.2006 section 3 (g) in which it was mentioned that appointment should be based on beneficiary area.



3. Counsel for the petitioner further submits that the dispute is relating to appointment of Anganwari Sevika in Ward No.3 of Chandaul Village for which post was advertise in the year 2009. He further submits that it is the second round litigation. Earlier, the petitioner had moved in C.W.J.C. No.19537 of 2011, which was disposed of vide order dated 02.12.2011, with specific direction to remit back the matter before the Divisional Commissioner and adjudicate the same. He further submits that the said order has been passed thereafter, who has pleased to remanded the matter before the District Magistrate, Aurangabad to pass final order. He further submits that the final order has been passed which is presently impugned here in which this aspect has not been considered at all by the Original Authority as well as Appellate Authority that the petitioner belongs to Ward No.4, whereas Anganwari is situated at Ward No.3.

4. Counsel further submits that according to mapping panji, the petitioner is the competent person to be appointed and respondent No.7 is not competent for the same. He further submits that the Appellate Authority has not considered the case of the petitioner at all and affirmed the order passed by the Original Authority dated 11.09.2014 as correct.

5. Counsel further submits that the writ petition be



allowed and appointment of private respondent be removed and in place thereof, the petitioner may be appointed.

6. Counsel for the State, on the other hand, submits that it is true that it is second round of litigation in which the private respondent was held to continue by the Original Authority as well as the Appellate Authority. He further submits that the decision was well reasoned and there is no need of any interference.

7. Counsel further submits that the appointment was made by virtue of advertisement of 2009 and according to the 2009, every ingredient is available in favour of the private respondent.

8. Learned counsel for the private respondent submits that during the said period, as per the advertisement, all eligibility was in favour of the private respondent and in the merit list, the name of private respondent is figured at serial No.2 and the name of petitioner is figured after her. In the voting list, name of private respondent and petitioner both are there. He further submits that when mapping started, after completion of the process of selection, then only, she was found in another catchment area. He further submits that at the time of fulfilling the advertisement, every eligibility was in favour of the private respondent. Therefore, the Original Authority as well



as Appellate Authority have decided this case completely in accordance with merit and there is no need of any interference.

9. Upon hearing the parties and perusal of the order, it transpires to this Court that the appointment has been made in the light of Margdarshika for appointment of Anganwari Sevika or Sahayika, 2006 and at that very time, the Anganwari centre was not based on ward wise. The name of petitioner and private respondent both were present in the Ward No.3. In the mapping punji, which was taken place at subsequent time, the name of private respondent has entered in Ward No.4, but petitioner's appointment was taken place at early stage where Margdarshika Rule of Anganwari Sevika or Sahayika, 2006 was applicable about which a detailed discussion has been made by the Original Authority as well as the Appellate Authority. As such, this Court is not inclined to interfere in the said orders and hence, dismissed.

10. With the aforesaid observations and directions, the present writ application stands dismissed.

(Dr. Anshuman, J)

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