

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8656 of 2025

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Sunita Devi @ Sunita Kumari Wife of Jai Prakash Kumar, Resident of Village- Kosiya, Ward No.- 3, Block-Sahar, Police Station- Chouri, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Government of Bihar, Patna.
2. The Director, Integrated Child Development Services (ICDS), Government of Bihar, Patna.
3. The Divisional Commissioner, Patna, District- Patna.
4. The District Magistrate, Bhojpur at Ara, District- Bhojpur at Ara.
5. The Additional Collector, Bhojpur at Ara, District- Bhojpur at Ara.
6. The District Programme Officer, ICDS, Bhojpur at Ara, District- Bhojpur at Ara.
7. The Child Development Programme Officer, Sahar, Bhojpur at Ara, District- Bhojpur at Ara.
8. Manju Devi, Wife of Yogendra Prasad Gupta, Resident of Village- Kosiya, Ward No.- 3, Block-Sahar, Police Station- Chouri, District- Bhojpur at Ara.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rama Kant Singh, Advocate
For the Respondent/s : Mr. Uday Prasad, AC to GP-22

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 30-04-2026

Heard learned counsel appearing for the petitioner and
learned counsel appearing for the State.

2. The petitioner has filed the present writ petition for
the following relief/s :-

*“.....for quashing the order
contained in Memo No. 275 dated 31.08.2021,
passed by the Additional Collector, Bhojpur at
Ara, in Anganwadi Appeal No. 23/2019, whereby*



the appeal was rejected and the order contained in Memo N.721 dated 20.04.2019 passed by the District Programme Officer (DPO), ICDS, Bhojpur, was upheld.

Further, it is also prayed to quash the order contained in Memo No. 721 dated 20.04.2019, passed by the District Programme Officer, ICDS, Bhojpur, to whom the petitioner had requested seeking direction upon the concerned authority concerned to hold a meeting of Aam Sabha of Ward No.3 of Amruha Gram Panchayat for her selection to the post of Anganwadi Sevika as per the merit list dated 23.06.2018 but the District Programme Officer by passing the petitioner's claim directed the Child Development Programme Officer, Sahar to appoint the next eligible candidate in the merit list to the post of Anganwadi Sevika.

It is also prayed for issuance of a writ in the nature of mandamus directing the concerned authority to appoint the petitioner to the post of Anganwadi Sevika for Anganwadi Centre No. 117, Kosiya (Paschim), Ward No. 3 of Amruha Gram Panchayat, Block -Sahar, District Bhojpur at Ara, based on the merit list dated 23.06.2018."

3. Learned counsel for the petitioner submits that the candidature of the petitioner has been cancelled/not considered on frivolous grounds, which was initially challenged before the District Programme Officer and thereafter in appeal before the Additional Collector, and subsequently in revision before the Divisional Commissioner, as contained in Annexures P/7, P/8 and P/9 respectively.

4. Learned counsel for the State, on the other hand,



submits that during the pendency of the proceedings initiated by the petitioner before various forums, respondent no. 8 has already been appointed. It further appears that the petitioner has not specifically challenged the appointment of respondent no. 8. Learned counsel further submits that according to the guidelines governing appointment to the post of Anganwari Sevika and Sahayika, the petitioner's primary contention is that his mother-in-law had resigned from the said beneficial post on 23.05.2018 and the resignation was accepted on the same day, thereby rendering the petitioner eligible. Learned counsel for the petitioner further submits that the Director, I.C.D.S., Bihar, Patna, vide letter no. 3251 dated 27.06.2019 (Annexure-6), clarified that resignation of a member of a public representative category must be prior to the General Body Meeting in cases relating to appointment of Anganwari Sevika.

5. Learned counsel further submits that it transpires that the District Programme Officer had already passed the final order against the petitioner on 20.04.2019, i.e., prior to issuance of the said clarification dated 27.06.2019. Further, from the order dated 13.08.2021 passed in Anganwari Appeal No. 23 of 2019, it appears that the aforesaid clarification dated 27.06.2019 was not brought on record, and the matter was decided against



the petitioner. The petitioner has placed the said clarification before this Court for the first time and submits that in view of the same, the petitioner satisfies the eligibility criteria. It is, however, admitted that in the meantime respondent no. 8 has already been appointed and her appointment has not been directly challenged. It also appears that respondent no. 8 was impleaded as a party during the appellate proceedings. Further, it appears that the order dated 18.06.2024 passed in Anganwadi Revision Appeal No. 132 of 2021 (Annexure P/9) was not decided on merits, but was disposed of on the ground of maintainability, whereafter the present writ petition has been filed.

6. In the aforesaid facts and circumstances, this Court is of the considered view that the issue requiring adjudication is as to what decision ought to have been taken by the District Programme Officer in light of the clarification dated 27.06.2019. However, this Court is not inclined to adjudicate the matter on merits at this stage, particularly in view of the fact that the said clarification was not placed before the competent authority at the relevant time, and further that the appointment of respondent no. 8 has not been challenged.

7. Accordingly, the order dated 20.04.2019 passed by



the District Programme Officer, ICDS, Bhojpur, Ara (Annexure-7) and the order dated 31.08.2021 passed by the Additional Collector, Bhojpur, Ara in Anganwari Appeal No. 23/2019 (Annexure-8) are hereby set aside.

8. However, the petitioner is granted liberty to file a fresh application before the District Programme Officer within a period of 30 days from today, raising all relevant grounds, including the prayer for cancellation of the appointment of respondent no. 8 and consideration of his eligibility in light of the clarification dated 27.06.2019.

9. It is further directed that upon filing of such application, the District Programme Officer shall provide an opportunity of hearing to all concerned parties and pass a reasoned order in accordance with law within a period of 90 days from the date of appearance of the parties. The period of 90 days shall be reckoned from the date all concerned parties appear before the authority.

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	01.05.2026
Transmission Date	NA

