

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1867 of 2021

1. Kumari Renuka Wife of Sri Upendra Kumar Ram Resident of Village and P.O.- Banthu Sriram, P.S.- Andar, District- Siwan.
2. Rinku Kumari Wife of Sri Lalbabu Sah Resident of Village and P.O.- Sangrampur, P.S.- G.B. Nagar, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director, Integrated Child Development Scheme, Govt. of Bihar, New Secretariat, Patna.
2. The Commissioner, Saran Division, Saran at Chapra.
3. The District Magistrate, Siwan.
4. The District Programme Officer (Integrated Child Development Scheme), Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Bipin Bihari Singh
For the Respondent/s : Mr.Lalit Kishore (Ag)

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR

ORAL JUDGMENT

Date : 27-02-2026

Heard the parties.

2. The present writ petition has been filed for the following reliefs:

“(i)for issuance of an appropriate writ/writs in the nature of Mandamus for commanding and directing concern authorities for same and similar treatment as granted by the Hon’ble High Court in LPA No. 923 of 2018 on 04.02.2019 in case of ***Jasila Kumari & Others -Versus- The State of Bihar & Others*** on the ground of equity as well as in terms of the provision in Clause 4.C (1) of Bihar State Litigation Policy, 2011, which deals covered matters regarding same benefit in covered matters



and necessary direction for issuance of formal letter of engagement as granted to Jalila Kumari, Arti Kumari, Neetu Kumari, Nilu Kumari and other similarly situated persons as law settled and for the other necessary relief/reliefs on the basis of the facts and circumstances of the case as stated hereinafter.”

3. The learned counsel for the petitioners submits that pursuant to an advertisement published in daily newspaper “Hindustan” on 08.09.2011, for selection to the post of Angan Bari Supervisor, the petitioners and others applied. A merit list was prepared and was published on the website of ICDS on 10.12.2011. Objections were invited to the merit list and after receipt of the objections, the authorities concerned proceeded to publish final merit list, after considering the suitability and seniority of the merit under the provisions contained therein and finally, the merit list was published on the website. The petitioners and others were called for interview and to participate in the process of counselling which was scheduled on 12.08.2012, wherein the petitioners were declared successful along with others, but some of the non-selected candidates preferred CWJC No. 16702 of 2012 before this Court, wherein vide order dated 14.09.2012, it was observed that if the appointments have not been made, the same shall be subject to the result of the writ petition. The writ petition was finally decided on 22.04.2013 with a



direction that the petitioners of the writ petition to approach the Divisional Commissioner and the Divisional Commissioner was directed to dispose of the representation filed by those petitioners within a specified time. The Divisional Commissioner, Saran Division, after hearing the parties, dismissed the claim filed by the writ petitioners of CWJC No. 16702 of 2012, vide his order dated 18.12.2013 and directed for initiating further process, which was kept in abeyance on account of the interim order passed by this Court in CWJC No. 16702 of 2012. When the appointments were not being made, the petitioners and four others filed a writ petition before this Court bearing CWJC No. 17596 of 2014 (***Jasila Kumari & Others -Versus- State of Bihar & Others***) which was finally heard and disposed of vide order dated 19.06.2018, dismissing the writ petition by holding that this Court finds no occasion to issue a direction in favour of the petitioners. Some of the petitioners of CWJC No. 17596 of 2014, being aggrieved with the order dated 19.06.2018, preferred an appeal before this Court which was numbered as LPA No. 923 of 2018. The appeal preferred by some of the petitioners was heard by a Hon'ble Division Bench of this Court on 04.02.2019 and the same was disposed of by holding that it will be difficult for this Court to issue a mandamus outright, but in the event such posts are still



lying vacant and the appellants are eligible, then in that event, it will be open to the respondents to consider the claim of the appellants in accordance with law and pass an appropriate order, preferably within a period of six weeks from the date of receipt/production of a certified copy of the order.

4. The learned counsel for the petitioners submits that in terms of the order dated 04.02.2019 passed in LPA No. 923 of 2018, the persons filed their respective representations before the concerned authorities and the petitioners may be directed to avail the same remedy.

5. The learned counsel for the State submits that the writ petition filed by the petitioners is thoroughly misconceived since no direction was given by the Hon'ble Division Bench while disposing of LPA No. 923 of 2018 vide order dated 04.02.2019 and therefore the writ petition is fit to be dismissed with heavy cost.

6. Having heard the parties, I find that the Hon'ble Division Bench, while disposing of the writ petition, did not give any direction to the respondent-authorities, but only directed that if vacancies are still existing then the respondent-authorities to consider the claim of the appellants in accordance with law and pass an appropriate order. The petitioners, being satisfied with the



order dated 19.06.2018 passed in CWJC No. 17596 of 2014, did not choose to prefer any appeal and the order of the Hon’ble Division Bench was passed on 04.02.2019, even then they did not raise any grievance and filed the present writ petition after more than two years of the disposal of the appeal. Therefore, the petitioners being fence sitters are not entitled for any relief. The law in this regard is very much settled that a fence sitter is not entitled for any relief.

7. I find no merit in the writ petition and the same is dismissed accordingly.

(Ritesh Kumar, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.03.2026
Transmission Date	NA

