

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9583 of 2024

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Kumari Jayanti Sinha Wife of Late Binay Kumar, resident of Village- Kesho Chak, P.S.- Masaurhi, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Bihar Patna.
2. The Director of Isolated Child Development Services, (ICDS), Social Welfare Department Bihar, Patna.
3. The Sub- Divisional Commissioner, Patna.
4. The Collector and District Magistrate, Patna.
5. The District Program Officer, Social Welfare Department, Patna.
6. The Child Development Program Officer (C.D.P.O.), Masaurhi, Patna.
7. The Female Supervisor, Masaurhi, Social Welfare Department, Bihar Patna.
8. Seema Kumari, Wife of Ankit Kumar @ Kabindra Kumar, Resident of Village- Vhadaura Malikana, P.S.- Masaurhi, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Advocate
For the Respondent/s : Mr. Government Advocate 9

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 24-02-2026

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

2. The present writ petition has been filed for quashing of the order dated 14.06.2023 passed by the Collector cum District Magistrate, Patna in Anganwadi Appeal Case No. 10/2019-20 (Annexure-6), as well as for quashing of the order dated 28.08.2019 passed by the District Programme Officer,



Patna in Anganwadi Appeal Case No. 56/2017 (Annexure-5). Further prayer has been made for quashing of the selection of respondent no.8 who has been selected/appointed on the post of Sevika at Centre No. 233, Ward No. 9, Gram Panchayat- Vhadaura, Block- Masaurhi, District- Patna in pursuant to order dated 28.08.2019 passed in Anganwadi Appeal Case No. 56/2017. Further prayer has been made for directing the respondents to issue selection/appointment letter in favour of the petitioner and allow her to join on the post of Sevika at Centre No. 233, Ward No. 9, Gram Panchayat- Vhadaura, Block- Masaurhi, District- Patna in place of respondent no.8.

3. Learned counsel for the petitioner submits that the petitioner has appeared in the selection process of Anganwadi Sevika and Sahayika and following the due process, she was selected on 13.10.2017 for the post of Sevika and thereafter, joined on 15.10.2017 and regularly discharging her duty. In the meantime, the petitioner also participated in the Job Course Training and in this regard, on 15.02.2018, the petitioner granted a certificate from Rural Female Development Welfare Institute through Anganwadi Training Centre, Ramchandarpur, Biharsharif, Nalanda. Counsel further submits that after joining of the petitioner, a complaint was filed against the petitioner



which was entertained by the D.P.O bearing Anganwadi Appeal Case No. 56/2017. After hearing both the parties, the D.P.O has allowed the said Anganwadi Appeal Case No. 56/2017 in favour of the respondent no.8 by cancelling the selection of the petitioner, and at her place, the respondent no.8 was directed to be joined. Counsel further submits that being aggrieved and dissatisfied with the order dated 28.08.2019 passed by the D.P.O in Anganwadi Appeal Case No. 56/2017, the petitioner has preferred appeal before the Collector cum District Magistrate, Patna bearing Anganwadi Appeal Case No. 10/2019-20 which was also rejected *vide* order dated 14.06.2023.

4. Learned counsel for the petitioner further submits that the petitioner has passed matriculation examination from the Bihar Sanskrit Education Board, Patna in the year 2014. The examination was commenced on 29.03.2014 and the result was published on 26.09.2014, in which the petitioner had obtained 83.71% marks. Accordingly, on 14.02.2015, the petitioner obtained school leaving certificate from S.K. Sanskrit Primary cum Middle School, Vishunpur, Jehanabad. Counsel submits that the appointment of the petitioner taken place in the light of the guidelines of 2016 for appointment of Anganwadi Sevika & Sahayika. Counsel submits that her appointment is



absolutely in accordance with guidelines and there is no violation of any guidelines for her appointment. This aspect has neither been considered by the D.P.O nor by the District Magistrate, and the petitioner has been removed from the post only due to the reason that she has earlier appeared in the examination of matriculation from Bihar School Education Examination Board. Counsel submits that the petitioner has never used the said certificate of Bihar School Education Examination Board and she has used only one certificate i.e. certificate of Bihar Sanskrit Education Board, Patna. Counsel submits that since, the petitioner has not violated the guidelines of 2016 for appointment of Anganwadi Sevika & Sahayika, therefore, the orders passed by the D.P.O and the District Magistrate are absolutely illegal. He further submits that at the time of rejection of petitioner's claim, the shelter of order passed in C.W.J.C. No. 13190 of 2009 has been taken care of by the Collector. Counsel submits that the facts and circumstances of the said case is absolutely different from that of present case. It is due to this reason, he submits that notice be issued upon respondent no.8 and upon hearing the respondent no.8, this writ petition be allowed in favour of the petitioner.

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



submits that this writ application of the petitioner is not maintainable, as there is complete suppression. Counsel submits that admitted position is that the petitioner had obtained two certificates i.e. firstly, from the Bihar School Education Examination Board in the year 1994 and secondly, from the Bihar Sanskrit Education Board, Patna in the year 2014. Counsel submits that the petitioner has appeared second time only with a view to improve her result/marks. He further submits that in the judgment of C.W.J.C. No. 13190 of 2009 (Amarjeet Singh Rathaur Vs. The State of Bihar & Ors.) which the petitioner herself attached in the writ petition as Annexure-8, it has been indicated that whenever there are two certificates obtained on same degree, the first certificate shall be taken into consideration and the second certificate shall not be used for any other purpose/service.

6. Upon hearing the parties and after going through the records, it transpires to this Court that specific allegation against the petitioner due to which her matter has been rejected by the D.P.O as well as by the District Magistrate is that she has earlier obtained certificate of matriculation in the year 1994 from the Bihar School Education Examination Board and subsequently, in the year 2014, she has appeared in the



examination of Bihar Sanskrit Education Board, Patna. And, it has come in the record that the discrepancy has been found in the date of birth recorded in the attached Aadhar Card and Voter id card. In this regard, there is a specific finding of the Collector in his order.

7. Upon perusal of the C.W.J.C. No. 13190 of 2009, it transpires that this Court annulled the second certificate stating that the second certificate shall not be permissible for the petitioner to use the same for any purpose including the appointment as a Panchayat Teacher.

8. In this background, this Court finds that there is no merit in this writ petition. Hence, this writ petition stands dismissed.

(Dr. Anshuman, J)

Divyansh/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	25/02/2026
Transmission Date	NA

