

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9470 of 2026

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Sonali Sweety @ Sonali Sweaty @ Sonali Switi Wife of Raj Kishore Nayak,
Resident of village- Rampur Kanth, Panchayat Akhta Uttari, P.O.-
Madhurapur, P.S. and Block- Suppi, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Bihar, Patna.
2. The Director, Integrated Child Development Scheme (I.C.D.S.), Social Welfare Department, Bihar, Patna.
3. The Commissioner, Tirhut Division, Muzaffarpur.
4. The Deputy Director Welfare, Tirhut Division, Muzaffarpur.
5. The District Magistrate, Sitamarhi.
6. The District Programme Officer, ICDS, Sitamarhi.
7. The Child Development Project Officer (CDPO), Suppi Block, District- Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sharma, Adv.
For the Respondent/s : Mr. Standing Counsel (07)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 06-07-2026

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

2. The present writ petition has been filed for
issuance of an appropriate writ/writs, order/orders,
direction/directions to the concerned respondent authorities for
the following relief/s:-

“A. For issuance a writ in the nature of



mandamus or any other appropriate writ/writs, order/orders, direction/directions commanding and directing the respondents to treat the service of the petitioner as Anganwari Sevika as continuous from the date of her original appointment on 11-07-2007 till date, without any break, for all purposes including computation of experience for post of "Lady Supervisor" advertised vide Advertisement No. 01/2025 wherein petitioner application not considered on the wholly erroneous and legally untenable ground that the petitioner does not possess the requisite experience of 10 years as Anganwari Sevika, by treating the period from 2009 to 2017 as a break-in-service, when in fact the orders of cancellation of the petitioner's selection for the said period set aside by the Hon'ble Patna High Court vide order dated 07-08-2017 passed in CWJC No. 19157 of 2010 (Sonali Sweety vs. State of Bihar).

B. For issuance a writ in the nature of Mandamus or any other appropriate writ/writs, order/orders, direction/directions commanding and directing the respondents to consider the petitioner application for the post of "Lady Supervisor" in accordance with law, treating her as eligible.

C. For direction that during the pendency of



this writ petition, grant a stay/interim relief restraining the respondents from filling up the post of "Lady Supervisor" advertised vide Advertisement No. 01/2025 in Block Suppi, District Sitamarhi or in any manner finalizing the selection process in a manner prejudicial to the petitioner.

D. And for any other reliefs/reliefs for which the petitioners are found to be entitled under the provision of law involved in the present case.”

3. Learned counsel for the petitioner submits that the petitioner has earlier moved before this Hon'ble Court in C.W.J.C. No. 19157 of 2010 which was allowed *vide* judgment dated 07.08.2017 and the termination order of the petitioner was set aside. Counsel submits that the petitioner is entitled to have her services counted, as the order of termination has already been set aside by this Hon'ble Court. In this regard, counsel relied on a judgment of Hon'ble Supreme Court of India in case of ***Gurpreet Singh Vs. State of Punjab & Ors.*** in ***Civil Appeal No. 548 of 2002***, reported in ***MANU/SC/0226/2002***, decided on ***18.01.2002***. Counsel concludes his argument by submitting that the decision of non-consideration of petitioner's continuity in services has been made by the C.D.P.O and in this regard, the



petitioner has filed representation *vide* Annexure-P/7 before the C.D.P.O, Suppi, Sitamarhi.

4. Learned counsel for the State, on the other hand, submits that the petitioner has prayed for writ of Mandamus and she has filed representation before the C.D.P.O, Suppi, Sitamarhi (Respondent no. 7) who has passed the order. He further submits that under clause-11 of the advertisement, the competent authority before whom the grievance with regard to the service condition has to be filed is before the District Magistrate, Sitamarhi. Counsel submits that the said representation was not filed before the District Magistrate, Sitamarhi and hence, in this view of the matter, writ of Mandamus may not be issued.

5. In light of the submissions made, this Court finds that there is subsistence in the argument of the learned counsel for the State.

6. As such, the petitioner is hereby directed to file a fresh representation along with a copy of this order before the District Magistrate, Sitamarhi (Respondent no. 5) within two weeks from today. Upon receipt of the same, the Respondent no. 5 is directed to pass a reasoned and speaking order on the petitioner's fresh representation within 60 days thereafter.



7. Accordingly, with the aforesaid direction, this writ petition stands disposed off.

(Dr. Anshuman, J)

Divyansh/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	07/07/2026
Transmission Date	NA

