

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12495 of 2013

Mamta Kumari W/O Shri Nawal Prasad Singh Resident Of Chauhatta, Chhipi
Tola Ward No. 32, Hajipur, District Vaishali

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Commissioner Tirhut Division, Muzaffarpur
3. The District Magistrate/Collector, Vaishali At Hajipur
4. The District Programme Officer, Vaishali At Hajipur
5. Ward Councillor-Cum-President, Aangan Bari Sevika Selection Committee,
Ward No. 32, Hajipur Municip
6. Smt. Rita Devi W/O Late Shyam Nandan Singh Resident Of Chhipi Tola,
Hajipur
7. C.D.P.O., Hazipur, Vaishali

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Siya Ram Shahi, Advocate Mr.Dharmendra Kumar Paswan, Advocate
For the State	:	Mr. Sarvesh Kumar Singh, AAG-13
For Respondent No.6	:	Mr. Shiv Shankar Prasad Yadav, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 21-01-2026

In today's cause list, the present matter has been listed along with CWJC No. 12384 of 2024, CWJC No. 18365 of 2014, CWJC No. 1004 of 2023, CWJC No. 2927 of 2023, CWJC No. 5349 of 2023, CWJC No. 6323 of 2023, CWJC No. 12517 of 2024 and CWJC No. 17312 of 2024. However, learned counsel for the petitioner submits that the issues involved in the present case are different from those involved in the batch cases and, therefore, prays that the present matter be heard separately.



2. Learned counsel for the respondents also agrees with the contention advanced by learned counsel for the petitioner.

3. In view of the above, the present matter is being heard separately after de-tagging it from the aforesaid batch cases.

4. Heard learned counsel for the petitioner, learned counsel for the Stated and learned counsel for the respondent No.6.

5. Learned counsel for the petitioner submits that the order passed by the Commissioner, Tirhut Division, Muzaffarpur in Service Appeal No. 297 of 2012 is purely technical in nature, whereby the appeal was not entertained solely on the ground that the post of Anganbari Sevika is not a post having security of tenure or protection under Article 311 of the Constitution of India. The Commissioner, while passing the said order, granted liberty to the petitioner that, if she still felt aggrieved, she might approach the Civil Court for damages.

6. Learned counsel for the petitioner further submits that during the pendency of the present writ petition, the legal position has undergone a change, and vide judgment



passed in the case of Julee Kumari v. The State of Bihar, reported in (2023) 2 PLJR 253, it has been held that disputes relating to Anganbari Sevika are now maintainable on merits.

7. It is, thus, crystal clear that Annexure-8, being the order passed by the Commissioner, Tirhut Division, Muzaffarpur in Service Appeal No. 297 of 2012, was not passed on merits but on a technical ground. In view of the changed position of law, this Court hereby sets aside the order passed by the Commissioner, Tirhut Division, Muzaffarpur in Service Appeal No. 297 of 2012 and remands the matter back to the Commissioner, Tirhut Division, Muzaffarpur with a direction to pass a reasoned order on merits after hearing all concerned parties, including the petitioner and the private respondent No. 6, upon their appearance. The final order on merits shall be passed within a period of 90 days from the date of appearance of the concerned parties.

8. With the aforesaid observation and direction, the present writ petition stands disposed off.

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	NA
CAV DATE	NA
Uploading Date	27/01/2026
Transmission Date	NA

