

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12087 of 2014

=====

Kumari Ranjana wife of Arun Kumar, resident of village- Sikandara, G.P.
Dhanave Mubarakpur, P.O. Mubarakpur, P.S. Barh and the District Patna

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors Ministry of Social Welfare Old Secretariat,
Government of Bihar, Patna
2. The Director, I C D C Department of Social Welfare, Patna
3. The District Magistrate at Patna, District Patna
4. The District Programme Officer, at Patna, District- Patna
5. The Child Development Project Officer at Barh, District Patna
6. The Sub Divisional Officer at Barh, District- Patna
7. Sneha Kumari, wife of Mukesh Kumar, resident of village Sikandara, P.S.
Barh, District Patna

... .. Respondent/s

=====

Appearance :

For the Petitioner	:	Mr. Shiv Shankar Prasad Yadav, Advocate
For the State	:	Md. Zeeshan Kalim, A.C. to S.C.20

=====

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL JUDGMENT

Date : 12-05-2026

Heard the learned counsel for the petitioner and the
learned counsel appearing on behalf of the State.

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

“That through the present writ
application, the petitioner is seeking a direction/
directions from the Hon’ble Court to all the
respondents in general, and the respondents no. 5 to 3
in particular to appoint the petitioner to the post of an
Anganbari Sevika at the Anganbari Centre No. 236 at
the ward no. 11 of Sikandara village of Dhanava
Mubarakpur Gram Panchayat under the block Barh



and the District Patna. Due to her non appointment to the said post, she has got aggrieved particularly by the respondent no. 4 (D.P.O. Patna) who remains sitting on representation containing her prima facie case of irregularity and unfair means, but the same remains undisposed of intentionally in order to linger the case made out i.e. a subject to be considered, vide the representation dated 23.04.2014 as an annexure to the petition.”

3. The brief facts, giving rise to the present writ petition, are that the petitioner being eligible for the post of Anganbari Sevika for Centre No.236 in Ward No.11 under Dhanav Mubarakpur Panchayat of the District Patna in the year 2012, submitted her application. After scrutiny, a merit list was prepared in which the petitioner was declared to be No.1 in the merit list as she had obtained 73.42 percentage of marks. It is the case of the petitioner that after preparation of the merit list an Aam Sabha was to be convened, however no Aam Sabha was held by the C.D.P.O., though Rule 6.9 speaks that after publication of the merit list, just after eight days, the final selection of Sevika has to be done. The respondent authorities with mala fide intention, to defeat the claim of the petitioner, did not do so and subsequently without notifying any date, selected the second candidate in the merit list. The Aam Sabha was held on 23.12.2013, without any information to the petitioner. When petitioner came to know about the fact that Aam Sabha was held



on 23.12.2013, she immediately approached the appointing authority with an application, mentioning therein that she had not been given any information for the so called Aam Sabha, for issuing appointment letter and on the day the Aam Sabha was convened, she went for medical check up of her daughter. The respondent authorities did not consider the application of the petitioner and with mala fide intention appointed the private respondent no.7 herein, who was no.2 in the merit list. Subsequently, the petitioner approached the S.D.O., Barh, Patna for a direction upon the Child Development Project Officer, Barh, Patna for reconvening the meeting of the Aam Sabha and for appointing the petitioner on the post of Anganbari Sevika, since the Aam Sabha was convened behind her back and ultimately the private respondent no.7, who was below in the merit list, was selected as an Anganbari Sevika. It is further case of the petitioner that the S.D.O., Barh, Patna directed the respondent no.5 to hold an enquiry into the matter and to inform within three days. Subsequently vide his Letter No.309, dated 01.02.2014 the S.D.O., Barh directed the C.D.P.O., Barh to inform him about the steps taken by the C.D.P.O., in terms of Rule 8 of the Anganbari Sevika Chayan Margdarshika. When no response was received from the S.D.O., Barh, then the petitioner was constrained to



move before the District Magistrate, Patna by filing a representation, but the same was not taken care of.

SUBMISSIONS ON BEHALF OF THE PETITIONER

4. The learned counsel for the petitioner submits that although the petitioner was no.1 in the merit list and the respondent no.7 was below her in the merit list, however the respondent authorities without issuing any notice for Aam Sabha, convened the Aam Sabha on 23.12.2013, but due to treatment of her daughter, the petitioner could not participate in the same. The respondents selected the respondent no.7 herein on the post. It is further submitted that the date 22.12.2013 was the date fixed for Aam Sabha, but the same was not convened on the said date, although the petitioner was present on the said date for appearing before the Aam Sabha, however deliberately to defeat her cause, the Aam Sabha was not held on 22.12.2013 and subsequently without any information to the petitioner, the Aam Sabha was convened on 23.12.2013 and in absence of the petitioner, respondent no.7, who had admittedly got lower marks than the petitioner, was selected as Anganbari Sevika. He further submits that despite direction given by the S.D.O., Barh to the C.D.P.O., Barh, no action has been taken by the C.D.P.O. and even on the representation filed before the higher authorities, no action has



been taken, to rectify the mistake or to take curative measure as directed by the S.D.O., Barh.

SUBMISSIONS ON BEHALF OF THE STATE

5. *Per contra*, the learned counsel appearing on behalf of the Respondent-State submits that pursuant to the application submitted by the candidates, a merit list was prepared on 16.08.2012, in which the petitioner was no.1 in the merit list and the respondent no.7 was below her at no.2 position. Vide Memo No.215, dated 28.05.2013, issued under the signature of the C.D.P.O., Barh, notice was communicated to the Ward Member, Supervisor and direction was given to them to communicate the matter to the villagers that an Aam Sabha is going to be held for appointment of Anganbari Sevika on the said centre. However, due to non-fulfillment of the quorum, the meeting of the Aam Sabha could not be convened at the first occasion and later on vide Letter No.697, dated 10.12.2013, the date of meeting of the Aam Sabha was fixed and the members of the ward and the supervisor were directed to intimate the villagers and candidates regarding the scheduled date and time of the Aam Sabha for appointment of Anganbari Sevika on the said centre. The meeting of the Aam Sabha was convened on the scheduled date, i.e., 23.12.2013, however the petitioner was not



present in the said meeting and neither any communication was received on her behalf. It was informed that the petitioner resides along with her husband outside the village and therefore, in absence of the petitioner, the selection committee did not consider her candidature. The selection and appointment was made in terms of Clause 8.4 and 8.5 of the Guidelines of 2011. The candidature of the petitioner was cancelled and subsequently the candidature of the candidate who was placed at serial no.2 in the merit list was considered. Accordingly, appointment letter was issued to the respondent no.7. The petitioner submitted her application before the D.P.O., before the C.D.P.O., before the S.D.O. and before the District Magistrate, Patna. The S.D.O. directed the C.D.P.O. to initiate a fresh process of selection by convening a fresh Aam Sabha to select and appoint Anganbari Sevika, however, since the S.D.O. is not empowered under the Guidelines and only the D.P.O. can pass the order for cancellation and appointment of Anganbari Sevika at the relevant time, in terms of Clause 10 of the Guideline, no action was taken. The learned counsel for the State further submits that the petitioner without availing alternative remedy directly approached this Hon'ble Court by filing the present writ petition, although the appropriate remedy available to the petitioner was, to approach



the District Programme Officer, Patna by filing an appropriate application.

FINDINGS

6. Having heard the learned counsel for the parties and after going through the records, it appears that the petitioner was having 73.42 marks and she was no.1 in the merit list. The respondent no.7, Sneha Kumari was having 62.71 marks and was below her in the merit list, however on the date of the Aam Sabha, the petitioner did not participate in the Aam Sabha on account of illness of her daughter and for treatment whereof, she was not available. It has been alleged by the petitioner that she did not receive any notice for the Aam Sabha, which was to be held on 23.12.2023. From Annexure-1 to the writ petition, it appears that the petitioner had filed an application before the District Programme Officer, Patna for consideration of her case and in the said application, she has alleged that on date when the Aam Sabha was to be convened, she appeared there, however due to some reason, the Aam Sabha was not convened and on 23.12.2023 without any information to the petitioner, the Aam Sabha was held wherein she did not appear and the respondent no.7 was selected. She further submitted an application before the District Programme Officer, Barh, Patna wherein she submitted



that on the said date, she could not appear in the Aam Sabha, since she was not available on account of treatment of her daughter for which she went to Barh. It further appears that the S.D.O., Barh gave direction to the C.D.P.O., Barh to initiate a fresh selection process, however in absence of any authority vested in him under the Anganbari Sevika Selection Rules, the said direction was not followed by the authorities concerned. It appears that in absence of the petitioner the candidature of the respondent no.7 was considered and she was selected.

7. From the considerations made above, this Court is of the opinion that since the petitioner was not present on the date of Aam Sabha on 23.12.2013, in absence of the petitioner, the no.2 candidate in the merit list was rightly selected and there is no infirmity in the selection process.

8. Accordingly, the present writ petition is dismissed.

9. Pending application(s), if any, shall also stand disposed of.

(Ritesh Kumar, J.)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.05.2026
Transmission Date	NA

