

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.379 of 2022

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Anita Kumari Wife of Ramesh Kumar Sah @ ramesh Kumar, Resident of Village-Birwat Bazar, P.O.-Jagarnatha, Gram Panchayat and P.S. and Block/Anchal-Uchkagaon, District-Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Social Welfare, Government of Bihar, Patna.
2. The Director, Directorate of Intergrated Child Development Services, Government of Bihar, Pant Bhawan, Bailey Road, Patna.
3. The Collector-Cum-District magistrate, Gopalganj.
4. The District Programme Officer, (ICDS), Gopalganj.
5. The Block Development Officer, Uchkagaon, Gopalganj.
6. The Child Development Project Officer, Uchkagaon, Gopalganj.
7. The Selection Committee through the Chairman-Cum-Ward Member For Aanganbadi Sevika/Sahayika, Ward No. 09, Panchayat Raj-Uchkagaon Under the Block Unchkagaon, District-Gopalganj.
8. The Mahila Paryavekshika-Cum-Secretary relates to Selection of Aanganwari Sevika/Sahayika for Ward No.09, Panchayat Raj-Uchkagaon Under the Block of Unchkagaon, District-Gopalganj.
9. Smt. Sunita Devi Wife of Satyendra Kumar, Resident of Village-Birwat Bazar, P.O.-Jagarnatha, Gram Panchayat and P.S. and Block/ Anchal-Uchkagaon, District-Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Jeetendra Narayan, Advocate
For the State	:	Mr. Prashant Pratap (GP-2)
For the Respondent no.9	:	Mr. Bindeshwar Sah, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 22-04-2026

Heard learned counsel for the petitioner, learned
counsel for the State of Bihar and learned counsel for the
respondent no.9

2. The petitioner has filed the instant application for



the following relief (s) :-

“1.(i) For quashing the order of Collector, Gopalganj passed in Aanganwadi Appeal Case No. 02 of 2018 titled as Sunita Devi Vs. the State of Bihar and others passed on 08.07.2020 signed on 08.07.2021 which is supplied on 17.11.2021 contained as Annexure-9 to this writ application whereby and where under who has set aside the order dated 09.02.2018 passed by the District Programme Officer (ICDS) Gopalganj which has already been in-fructuous itself, whereby who has directed the concern authority i.e. respondent no. 8 to call Aam Sabha according to rule/ guidelines for selection of Aanganwari Sevika for ward no. 9 of Uchkagaon Panchayat under the block of Uchkagaon in the District of Gopalganj.

(ii) And further for directing the concerned respondent to not act upon the mandate of the aforesaid order passed by the respondent no. 3 i.e. Collector, Gopalganj because it is passed proper in mechanical manner without examination of the stage of the selection procedure relating to Aanganwari Sevika/Sahayika for ward no. 9 of Grampanchayat Raj Uchkagaon under the Block and District of Gopalganj which is an outcome of order dated 09.02.2018 contained in memo no. 408dated 01.03.2018 which is reflected as Annexure-8 to this writ application.

(iii) And also for directing the concern respondent to maintain the selection of the petitioner; who is duly selected by the respondent no. 7 by proper



manner and in view of the same on 23.03.2018 issued a selection letter in favour of her relating to ward no. 9 village Birwat Bazar under Gram Panchayat Raj Uchkagaon, for Aanganwari Centre No. 176 relating to project/ Block of Uchkagaon, in the district of Gopalganj.

(iv) And also for any other relief or reliefs for which the petitioner is found to be entitled in the facts and circumstances of this case.”

3. The case of the petitioner in brief is that on the respondents having come out with an advertisement for appointment of *Anganwadi Sevika* at *Anganwadi* Centre no.176 of Gram Panchayat Raj Uchkagaon in the District of Gopalganj, the petitioner and respondent no.9 who both belong to the Extremely Backward Class (E.B.C) category filed their applications.

4. It is not in dispute that while the petitioner had secured 53.2% marks, the respondent no.9 had secured 60.8%.

5. The petitioner challenged the appointment on the post of *Anganwadi Sevika* in *Anganwadi* Centre no.176 by filing an application before the District Programme Officer, Gopalganj, which was registered as Anganwadi Appeal no.6 of 2018. After hearing both the petitioner as also the respondent no.9, the appeal filed by the petitioner was allowed and the *Mahila Paryavekshika* was allowed to conduct the



Aam Sabha and select the petitioner as an *Anganwadi Sevika*.

The respondent no.9 challenged the order dated 1.3.2018 of the District Programme Officer, Gopalganj by filing Anganwadi Appeal no.2 of 2018 before the Collector, Gopalganj. By order dated 8.7.2021, the anganwadi appeal filed by the respondent no.9 was allowed, the order dated 1.3.2018 was set aside and appropriate directions were given to the District Programme Officer, Gopalganj as also the C.D.P.O, Uchkagaon.

6. It is against this order dated 8.7.2021 passed in Anganwadi Appeal no.2 of 2018 allowing the appeal filed by the respondent no.9 that the petitioner has preferred the instant application.

7. It is submitted by learned counsel appearing for the petitioner that the matter in issue relates to appointment of *Anganwadi Sevika* for ward no.9. From perusal of the voter list for ward no.8, it would transpire that both the father-in-law as also mother-in-law of the respondent no.9 is a resident of ward no.8. Taking all these facts into consideration, the case filed by the petitioner was allowed by the D.P.O, Gopalganj vide his order dated 1.3.2018.

8. In response, it is submitted by learned counsel for



the respondent no.9 that it is not in dispute that both the petitioner as also respondent no.9 belong to the E.B.C category and the respondent no.9 has more marks in her matriculation i.e., 60.8% as against 53.2% secured by the petitioner. It is submitted that there is also no dispute with respect to the fact that 2016 Guidelines require the name of the husband or father-in-law of the candidate to be in the voter list for the relevant ward where the centre is located where the *anganwadi sevika* is to be appointed. The name of the husband is in the voter list for ward no.9. The same is not under challenge. In these facts and circumstances, there being no doubt about the respondent no.9 being a resident of ward no.9 and having secured more marks than the petitioner in the matriculation examination, the Collector rightly allowed the appeal filed by the respondent no.9. As such there is no merit in the instant application and the same be dismissed.

9. Heard learned counsel for the parties and having perused the material on record.

10. The matter relates to appointment of an *Anganwadi Sevika* in ward no.9 in Gram Panchayat Uchkagaon in the District of Gopalganj.

11. There is no controversy with respect to the fact



that both the petitioner as also the respondent no.9 belong to the E.B.C category and while the petitioner secured 53.2% marks, the respondent no.9 secured 60.8%.

12. It is also not in dispute that the name of the respondent no.9 is in the voter list for ward no.9 where the *Anganwadi Kendra* is situated. So far as this aspect is concerned, the respondent no.9 satisfies the requirement of the Guidelines for appointment as *Anganwadi Sevika* of the year 2016. It may be noted here that the questions as to whether the respondent no.9 is a resident of ward no.9 where the *Anganwadi Kendra* is situated or his name has been mistakenly included in the said voter list was gone into in detail by the District Programme Officer in his order dated 1.3.2018 (Annexure-8).

13. Having dealt with the question of the residence of the husband of respondent no.9, the District Programme Officer, Gopalganj noted that he is the only member of his family whose name figures in the said voter list of ward no.9. The name of respondent no.9 as also all the other members of his family are at serial nos. 342 to 348 of the voter list of ward no.8. Further, while including his name in the list of ward no.9, his house number is mentioned as 26 which is the house



belonging to a Muslim family by the name of Ali Hussain son of Hamid Miyan. Further, the D.P.O took into consideration that no documentary evidence had been given by the respondent no.9 which would show that her house is in ward no.9.

14. So far as the Collector in the order impugned dated 8.7.2021 is concerned, he proceeded solely on the fact that the name of the husband of respondent no.9 being in the list of voter list of ward no.9, nothing else was required as per the Guidelines of 2016.

15. On perusal of the Guidelines of 2016 brought on record as Annexure-1 to the writ application, it transpires that clause-5 thereof gives the title as 'eligibility for being voter and resident'. Thus so far as mention of the name of the husband/father-in-law of the applicant being in the voter list of the concerned ward is concerned, the same is only for the purpose of evidence of the applicant being a resident of the ward.

16. As stated herein above, inspite of the name of the husband of respondent no.9 figuring in the voter list for ward no.9, in the opinion of the Court, good and sound reasons have been given by the District Programme Officer,



Gopalganj and not accepting the respondent no.9 to be a resident of ward no.9 inspite of the name of her husband figuring in the voter list for ward no.9. The Collector committed an error in not considering those aspects and proceeding merely on the fact that the name of the husband of respondent no.9 was in the voter list for ward no.9 inspite of the fact that the name of all the family members was in the voter list of ward no.8.

17. In view of the facts and circumstances stated herein above, in the opinion of the Court, the Collector, Gopalganj committed an error in his order dated 8.7.2021 in allowing the appeal preferred by the respondent no.9.

18. The order dated 8.7.2020/8.7.2021 passed in Anganwadi Appeal no. 2 of 2018 by the Collector, Gopalganj is hereby set aside.

19. The writ application is allowed.

(Partha Sarthy, J)

Shiv/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	22.04.2026.
Transmission Date	

