

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.537 of 2022**

=====

Kumari Archana @ Archana Kumari @ Archana Devi Wife of Sri Vijay Kumar Resident of Village - Mahisar, Gram Panchayat - Mahisar, Ward No. 8, Police Station Runni Saidpur, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, Sitamarhi.
2. The Collector, Sitamarhi.
3. The District Programme Officer, Sitamarhi.
4. The Child Development Project Officer, Runni Saidpur P.S. Runni Shaidpur, District- Sitamarhi.
5. Rakhi Kumari Wife of Sri Binay Sah Resident of Village - Mahisar, Police Station Runni Saidpur, District- Sitamarhi.
6. Smt. Kusum Kumari Mahila Supervisor (Prayaveskhika) (Lady Supervisor), Child Development Pariyojna Karyalaya, Runni Saidpur, Police Station Runni Saidpur, District- Sitamarhi.
7. Smt. Sugai Devi Ward Member, Ward No. 6, Gram Panchayat, Mahisar cum Chairman, Chayan Samiti, Anganbari Kendra, 361, Child Development Pariyojana, Runni Saidpur, District- Sitamarhi.

... .. Respondent/s

=====

**Appearance :**

|                      |   |                                                                    |
|----------------------|---|--------------------------------------------------------------------|
| For the Petitioner/s | : | Mr. Upendra Prasad, Advocate<br>Mr. Veena Kumari Jaiswal, Advocate |
| For the State        | : | Mr. S.K. Mandal, SC- 3<br>Mr. Arjun Prasad, AC to SC- 3            |
| For Respondent no.5  | : | Mr. Rajesh Kumar Sharma, Advocate                                  |

=====

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL JUDGMENT**

**Date : 02-04-2026**

Heard learned counsel for the petitioner, learned counsel for the State of Bihar and learned counsel for respondent no.5. No one appears on behalf of respondent nos.6 and 7.



2. The petitioner has filed the instant application for the following relief:

*“1. That this writ petition is being filed on behalf of the petitioner above named for issuance of an appropriate writ(s), order(s), direction(s) commanding the respondents as well as for quashing the order dated 15.06.2021 passed by the Collector, Sitamarhi respondent no. 2, whereby he has been pleased to reject Anganbari Appeal No. 59 of 2017 filed on behalf of the petitioner affirming the order dated 06.09.2017 passed by District Programme Officer, Sitamarhi and also for quashing of order dated 26.09.2017 whereby respondent no. 5 has been selected for the post of Anganbari Sevika in place of the petitioner by the Chairman Smt. Sugia Devi, who is own Gotani of the chairman.”*

3. The relevant facts in brief are that the respondents having come out with advertisement on 11.6.2016 for appointment of Anganwadi Sevika for Anganwadi Centre no. 361 in Ward no. 6 of Gram Panchayat Mahisar under block Runnisaidpur in the district of Sitamarhi, a total of six



candidates including the petitioner and the respondent no.5 filed their applications.

4. An Aam Sabha was convened on 3.11.2013 under the chairmanship of Smt. Sugiya Devi, a ward member of ward no. 6 and a merit list was prepared containing the names of three candidates, namely Kumari Archana (petitioner herein), Veena Kumari and Gayatri Kumari. The respondent no.5 was not placed in the panel for the reason of her not being in the voter list of the ward in question.

5. As per the decision of the Aam Sabha, a letter of selection dated 3.11.2016 was served on the petitioner.

6. The appointment of the petitioner was challenged by the respondent no.5 by filing Anganwadi Appeal Case no. 11 of 2017 before the District Program Officer, Sitamarhi. The DPO, Sitamarhi by his order dated 6.9.2017 (Annexure-2) allowed the appeal filed by respondent no.5, set aside the appointment of the petitioner and directed the CDPO, Runnisaipur to proceed with holding of the Aam Sabha afresh and to complete the selection process.

7. Pursuant to the direction of the DPO, Sitamarhi, as contained in order dated 6.9.2017, an Aam Sabha was held on 26.9.2017 and the respondent no.5 was selected as Anganwadi



Sevika for Anganwadi Centre no.361. Accordingly, a letter of selection was issued in her favour.

8. The petitioner preferred an appeal being Anganwadi Appeal Case no. 59 of 2017 which was rejected by order dated 15.6.2021 passed by the Collector, Sitamarhi. It was observed therein that there is no illegality in the order dated 6.9.2017 of the DPO, Sitamarhi.

9. It is against these orders dated 6.9.2017 of the DPO, Sitamarhi and the order dated 15.6.2021 of the Collector, Sitamarhi that the instant writ application has been filed.

10. It is submitted by learned counsel appearing for the petitioner that though it is not in dispute that while the petitioner obtained 47% and the respondent no.5 got 55.2% marks, however, marks is not the only criteria for appointment as Anganwadi Sevika. It was contended that the respondent no.5 is not a voter of the place where the Anganwadi Sevika Centre is situated and on the relevant date, the name of respondent no.5 did not figure in the voter list. As such, the respondent no.5 was rightly not selected as an Anganwadi Sevika in the Aam Sabha held on 3.11.2016. The respondents not having considered that the name of the respondent no.5 did not figure in the voter list on the relevant date have committed an error in setting aside the



selection of the petitioner and directing for appointment of the respondent no.5. It is thus submitted that the writ application be allowed.

11. The application is opposed by learned counsel appearing for the State of Bihar.

12. Learned counsel appearing for the respondent no.5 opposing the writ application submits that there is no dispute with respect to the fact that respondent no.5 secured higher marks than the petitioner and as such her selection was consistent with the principles of merit based appointment. It was further contended from the contents of the orders under challenge that the Chairperson of the Aam Sabha did not sign the resolution which was contrary to the guidelines. With respect to the absence of the name of the respondent no.5 from the voter list, it was submitted that the said contention was taken into consideration and dealt with in detail by the respondent authorities in the orders impugned. There is no merit in the same nor any merit in the instant writ application and the same be dismissed.

13. Having heard learned counsel for the parties and having perused the material on record, there remains no doubt that as per Clause 4 of the 2016 guidelines for appointment of



Anganwadi Sevika, matriculation or equivalent is the eligibility for appointment. It is also not in dispute that while the petitioner secured 47% marks, the respondent no.5 secured 55.2% marks.

14. So far as contention of learned counsel for the petitioner with respect to the name of the respondent no.5 not figuring in the voter list at the relevant time is concerned, this Court finds that both the DPO, Sitamarhi as also the Collector, Sitamarhi in the orders impugned have dealt with this aspect in detail. In the relevant voter list for the year 2011, while the name of the father-in-law of respondent no.5 figures at serial no.59, on his death, in the voter list prepared for the Panchayat Elections in the year 2016, the name of the family members of the respondent no.5 figures at serial nos.76, 77, 78 and 82. It was as a result of the error committed by the BLO (Booth Level Officer) that the name of the respondent no.5 was not included, however, application for the same was filed on 5.6.2015 itself, which was before the advertisement in question having been published by the respondents on 11.6.2016. It may further be observed that on 24.11.2016 in the amended/corrected voter list published, the name of the respondent no.5 figures at serial no.45.

15. Taking the above facts into consideration, the



DPO, Sitamarhi allowed the appeal preferred by the respondent no.5 by his order dated 6.9.2017 and the appeal preferred by the petitioner was rejected by the Collector by his order dated 15.6.2021 affirming the order dated 6.9.2017 of the DPO, Sitamarhi.

16. The Court finds no illegality in the order dated 6.9.2017 passed in Anganwadi Appeal Case no.11 of 2017 by the DPO, Sitamarhi nor in the order dated 15.6.2021 passed in Anganwadi Appeal Case no.59 of 2017 by the Collector, Sitamarhi nor any merit in the instant writ application.

17. The application is dismissed.

**(Partha Sarthy, J)**

sauroavkrsinha/-

|                   |          |
|-------------------|----------|
| AFR/NAFR          | NAFR     |
| CAV DATE          | NA       |
| Uploading Date    | 2.4.2026 |
| Transmission Date | NA       |

