

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17083 of 2012

Malvika Kumari W/O Mahesh Prasad Singh R/O Village- Shyampur,
Panchayat- Malpur, P.S.- Khodawandpur, Block- Chaurahi, District-
Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Social and Welfare Department, Govt. of Bihar, Patna.
2. The Director, ICDS, Social Welfare Department, Govt. of Bihar, Patna
3. Divisional Commissioner, Munger.
4. District Magistrate Cum Collector, Begusarai.
5. District Program Officer, Begusarai.
6. Block Development Officer, Chaurahi, District – Begusarai.
7. Mukhiya, Malpur Panchayat.
8. Child Development Program Officer, Chaurahi Block, Begusarai.
9. Babita Kumari W/O Shri Jyoti Bhushan Singh R/O Village Shyampur, P.S.- Khodawandpur, District - Begusarai

... .. Respondent/s

Appearance :

For the Petitioner : Mr. Shivendra Kishore, Sr. Advocate
Ms. Prisu Snehil, Advocate
For the State : Mr. Raghwanand, GA-11
For the Respondents : Mr. Shyameshwar Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 07-10-2025

1. Heard learned Senior counsel for the petitioner and learned counsel for the respondents.

2. The petitioner has filed the instant application for quashing the order dated 10.7.2012 passed in Service Appeal



no.31 of 2012 by the Divisional Commissioner, Munger Division, Munger whereby the appeal filed by the Respondent no.9 was allowed and the order dated 13.1.2012/25.2.2012 passed in Miscellaneous Appeal no.33 of 2010 by the Collector –cum– District Magistrate, Begusarai was set aside. The petitioner has also prayed for quashing the order dated 4.3.2010 passed in Case no.21 of 2010 by the District Programme Officer, Begusarai whereby the petitioner was found to be a resident outside of the *poshak kshetra* /service area as also the order contained in Memo no.164 dated 25.7.2012 issued under the signature of Child Development Project Officer, Chaurahi by which the petitioner has been removed from the post of *Panchayat Sevika* by cancelling her selection besides other reliefs.

3. As per the case of the petitioner, she being a permanent resident of village- Shyampur in Malpur Panchayat under Chaurahi Block in the district of Begusarai and residing in House no.118 situated in Ward no.8, *Khata* no.32, *Khesra* no.160 over an area of 1 *katha* 10 *dhurs* under *Mauza*- Shyampur, she is a permanent resident of the area for the newly created *Anganwadi* Centre Shyampur. On the respondents inviting applications for appointment on the post of *Anganwadi*



Sevika, the petitioner along with others applied. In the merit list prepared, out of the four applicants, while the name of the petitioner figured at serial no.1, the name of respondent no.9 was at serial no.3.

4. It is submitted by learned Senior counsel appearing for the petitioner that the petitioner happens to be a resident of the service area which is a necessary requirement for appointment as an *Anganwadi Sevika* would be evident from the residential certificate issued by the Block Development Officer and brought on record as Annexure-5 to the application. It is further submitted that the voter list of Cheriya Bariyarpur Panchayat Legislative Assembly for the years 1966, 1988, 1995 as also 2009 would confirm the above fact. Further, the matter of residency of the petitioner was inquired into by the Child Development Project Officer, who submitted his report dated 11.2.2010 (Annexure-7) in favour of the petitioner. Even the District Magistrate while considering the appeal filed by the petitioner against order of the District Programme Officer, in his order dated 13.1.2012/25.2.2012, taking into consideration the documents on record, came to the conclusion that the petitioner is a resident of *poshak kshetra* and accordingly set aside the appointment of respondent no.9 and directed the authorities to



appoint the petitioner. It is finally submitted that the Divisional Commissioner in his order dated 10.7.2012 erred in allowing the appeal filed by respondent no.9 and setting aside the order of appointment of the petitioner.

5. In response, it is submitted by learned counsel for the respondents that the only issue arising in the instant application is as to whether the petitioner whose name stood at serial no.1 in the merit list is a resident of the *poshak kshetra*, a mandatory requirement for appointment on the post of *Anganwadi Sevika*. It is submitted that taking into consideration the enquiry reports of the *Rajasva Karmchari* and the Circle Inspector, the Divisional Commissioner had rightly come to the conclusion that the petitioner was not a resident of the *poshak kshetra* and accordingly upholding the order dated 4.3.2010 of the District Programme Officer had set aside the order dated 13.1.2012/25.2.2012 of the District Magistrate, Begusarai. It was submitted that there is no illegality in the order of the Divisional Commissioner and as such the instant application be dismissed.

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

7. The issue arising in the instant application relates to



appointment on the post of *Anganwadi Sevika* for the newly created *Anganwadi* Centre at Shyampur. Pursuant to the applications being invited by the respondents, the petitioner, the respondent no.9 as also others filed their applications and in the merit list prepared while the name of the petitioner figured at serial no.1, the name of the respondent no.9 figured at serial no.3. It is not in dispute that for appointment as an *Anganwadi Sevika*, the applicant is required to be a resident of the *poshak kshetra* /service area. A controversy having arisen as to whether the petitioner was a resident of the *poshak kshetra* or not, the matter was enquired into by the Block Development Officer, Chaurahi and the report contained in letter dated 29.1.2010 addressed to the Sub-Divisional Officer, Manjhaul is on record as Annexure-4 to the application.

8. A perusal of the report submitted by the Block Development Officer, Chaurahi would show that he called for and received the reports of *Rajasva Karmchari* and the Circle Inspector. Both of them have stated in their reports that Mahesh Prasad Singh i.e. the husband of the petitioner and his brothers Dinesh Prasad Singh and Ganesh Prasad Singh have two different houses. While a *khaprail* house is situated North of the village road, the *pucca* house is to the South of



the road. On enquiry from the local people, it transpired that the *pucca* house was constructed by Dinesh Prasad Singh, who happens to be posted as an Executive Engineer in the Pollution Control Department, Jharkhand and Ganesh Prasad Singh who is also posted as an Assistant in the same Department. The report of the *Rajasva Karmchari* further states that so far as Mahesh Prasad Singh i.e. the husband of the petitioner is concerned, he has been residing in the *khaprail* house. It was for the purpose of selection as *Anganwadi Sevika* that Mahesh Prasad Singh moved into the house of his brother to enable the selection of the petitioner incorrectly showing himself to be a resident of the *poshak kshetra*. The report of the Block Development Officer further states that on-spot enquiry was also personally conducted by him and so far as the *khaprail* house of the petitioner and her husband Mahesh Prasad Singh is concerned, the same is North of the village road and does not come within the *poshak kshetra* /service area of the newly created *Anganwadi* Centre of Shyampur.

9. In view of the categorical finding of the Block Development Officer as dealt with in detail in his report dated 29.1.2010 (Annexure-4), the court finds no error in the order dated 10.7.2012 passed in Service Appeal no.31 of 2012 by the



learned Divisional Commissioner, Munger Division, Munger
and no merit in the instant application.

10. The application is dismissed.

(Partha Sarthy, J)

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AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	08.10.2025
Transmission Date	

