

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9071 of 2020

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Kanchan Kumari @ Kanchan Devi, Wife of MithiWife of Mithilesh Modi,
resident of village - Laxmipur Bhagwat, Ward No. 16, P.S. - Srinagar Block-
Kumarkhand, Dstrict- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Social Welfare, Govt. of Bihar, Patna.
2. The Director, I.C.D.S., Department of Social Welfare, Government of Bihar, Patna
3. The Divisional Commissioner, Koshi Division, Saharsa.
4. The District Collector-cum-District Magistrate, Madhepura.
5. The District Programme Officer, I.C.D.S., Madhepura
6. The Child Development Project Officer (C.D.P.O.) Kumar Khand, District- Madhepura.
7. Kalpana Kumari Wife of Adesh Kumar Yadav resident of village - Laxmipur Bhagwati, Ward No. 16, P.S. - Srinagar, Block- Kumarkhand, District- Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate
Mr. V.K. Mukul, Advocate
For the State : Mr. Asit Kumar Jha, AC to GP 2

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 18-05-2022

Heard learned counsel for respective parties.

In the instant petition, petitioner has prayed for the following reliefs:-

“(i) A certiorari setting aside the order dated 22.01.2020 passed in Anganwari Appeal Case No. 35/2018 by the court of learned Collector, Madhepura, whereby and where-under the learned lower Appellate Court has in a very casual, mechanical, arbitrary and illegal manner rejected the appeal filed



on behalf of the petitioner against the illegal order of Respondent District Programme Officer, I.C.D.S., Madhepura dated 25.10.2018 passed in Anganwari Case No. 06/2018, affirming the illegal order without application of its independent judicial mind.

(ii) A further certiorari setting aside the illegal, suspicious and dishonest order passed by the Respondent District Programme Officer, Madhepura dated 25.10.2018 in Anganwari Case No. 06/2018, whereby and whereunder he has in a very suspicious and dishonest manner, affirmed the illegal selection of Private Respondent on the post of Anganwari Sevika of Anganwari Centre of Gram Panchayat-Laxmipur Bhagwati, Ward No. 16, Block-Kumarkhand, District-Madhepura, despite the fact that the petitioner has higher merit points than the Private Respondent No. 7 namely Kalpana Kumari as well as ignoring the earlier order dated 31.03.2018 passed by the Ex-Collector, Madhepura, who remanded back the matter before him after rejecting this earlier order dated 10.11.2016 for passing a fresh order after considering all the material facts properly.

(iii) A Mandamus commanding and directing the Respondents concerned to appoint the petitioner as Anganwari Seviak at Centre in question removing the Private Respondent as she has illegally been selected ignoring the valid claim of the petitioner.

(iv) And/or any other relief or reliefs for which the petitioner is found



entitled to in the facts and circumstances of this case.”

On 18.04.2022, the following order was passed:-

“Heard learned counsel for the parties.

4th Respondent - The District Collector-cum-District Magistrate, Madhepura is hereby directed appear with all records so as to ascertain who has given finding that the petitioner’s certificate for the post of Anganwari Sevika was a forged document. Further whether petitioner was provided opportunity before declaring her certificate as a forged one or not?

Re-list this case on 06.05.2022.

Copy of this order shall be given to the State counsel.”

Mr. Shyam Bihari Meena, District Collector-cum-District Magistrate, Madhepura is present. After perusal of the records he has submitted that petitioner has not been provided an opportunity. That apart, there is no concrete finding that the petitioner had furnished forged document. Therefore, petitioner has made out a *prima facie* case. The impugned orders dated 22.01.2020 (Annexure-2) and 25.10.2018 (Annexure-1) are set aside. Monetary benefits shall be calculated from the date of termination till reinstatement and disbursed within one month from today. Accordingly, the present petition stands allowed.



The competent authority is hereby directed to proceed further in accordance with law. In order to find out whether petitioner's documents are forged or not domestic inquiry be conducted and after giving ample opportunity of hearing to the petitioner at every stage. Thereafter take necessary steps either to continue the petitioner's services or to terminate. The above exercise shall be completed within a period of three months from the date of receipt of this order.

Personal appearance of District Magistrate, Madhepura is dispensed with. I.A. No. 01 of 2022 stands disposed off.

(P. B. Bajanthri, J)

Vikash/-

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

