

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1162 of 2014

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1. Sarita Kumari Wife Of Ratish Kumar Jha Resident Of Village- Ratwara Bindwara (West), P.S. Aurai, District- Muzaffarpur

.... Petitioner/s

Versus

1. The State Of Bihar Through Secretary, Social Welfare Department (Icbs), Government Of Bihar, Patna
2. The Commissioner, Tirhut Division, Muzaffarpur
3. The District Magistrate, Muzaffarpur
4. The Deputy Director, Welfare, Tirhut Division, Muzaffarpur
5. The Child Development Project Officer, Aurai, Muzaffarpur
6. Sarita Devi Wife Of Pramod Kumar Sah Resident Of Village- Ratwara Bindwara West, P.S.- Aurai, District- Muzaffarpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. TEJ BAHADUR SINGH, SENIOR ADVOCATE AND MR. BRISKETU SHARAN PANDEY, ADVOCATE.

For the S t a t e : Mr. SARAL MISHRA, AC TO AAG 8.

FOR RESPONDENT NO.6: MR. RANJAN JHA, ADVOCATE.

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 13-02-2015

Heard learned counsel for the parties.

No doubt the initial adjudication with regard to the dispute for selection of Aangan Bari Sevika was adjudicated by the District Magistrate, Muzaffarpur which is Annexure 1 to the writ application but since the rule had undergone a change on 17.5.2013 and the Divisional Commissioner has remanded the matter to the newly notified appellate authority who is said to be Deputy Director Welfare, the obligation upon the said authority was towards such appellate authority.

The court can very well appreciate the anxiety on the party of the Deputy Director or as to the reason why he sought certain guide lines in terms of Annexure 5 but then he is not sitting in appeal over Collector's order. He is sitting in appeal over an order of he adjudicatory authority who happened to be the Collector at the relevant time. The Deputy Director should not get intimidated by the fact that the previous adjudication was made by the Collector. He has to exercise his independent mind and authority in the appeal which was filed by the petitioner and take a decision.

The court directs the Deputy Director Welfare therefore that he should proceed, hear the parties and decide the appeal within a reasonable time frame without being intimidated of the fact that the previous order was that of the Collector of the district.

Writ application stands disposed of with the above observation.

(Ajay Kumar Tripathi, J)

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