

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7931 of 2015

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Anita Devi @ Anita Kumari, W/o Shri Dilesh Kumar Gupta, Resident of Village-Barhiya, P.S.Sindhwalia District-Gopalganj, at present working as Anganwari Sevika Centre No. Code No.-96, situated at Sonaritola Barhima under Panchayat Supauli, District-Gopalganj.

.... Petitioner

Versus

1. The State of Bihar through Secretary, Social Welfare Department, Bihar, Patna.
2. The Deputy Director, Welfare Saran at Chapra Division at Chapra.
3. The District Program Officer, Gopalganj.
4. The Child Development Officer, Sidhwalia, District- Gopalganj.
5. Smt. Prabhawati Devi, wife of Shri Kanhaiya Sharma, Resident of Village-Barhima, P.S. Sidhwalia, District-Gopalganj.

.... Respondents

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Appearance :

For the Petitioner : Mr. Baidyanath Prasad, Advocate.

For the Respondents : Mr. Mithilesh Kumar Pathak, S.C. 7.

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CORAM: HONOURABLE MR. JUSTICE V.N. SINHA

ORAL JUDGMENT

Date: 08-06-2015

Heard learned counsel for the petitioner and the State.

2. Petitioner is the Anganwadi Sevika serving at Barhima Sonartola Centre within Supauli Panchayat of Gopalganj district. She has filed this writ petition assailing the order bearing Memo No. 04



dated 15.04.2015 passed by Child Development Project Officer, Sindhwalia, Gopalganj, Annexure-8, whereunder she has been asked to hand over charge of the Centre within one week. It is submitted on behalf of the petitioner that impugned order Annexure-8 was passed by Child Development Project Officer in compliance of the order of the Deputy Director, Welfare, Saran Division, Chapra contained in Memo No. 27 dated 20.02.2015 at the request of one Prabhawati Devi who earlier served as Anganwadi Sevika on the same centre but was removed, whereafter she filed writ petition bearing C.W.J.C. No. 15432 of 2007 which was disposed of under order dated 25.07.2014, Annexure-2 asking Prabhawati Devi to file a petition for redressal of her grievance and in the light of the said order Prabhawati Devi filed Anganwadi Appeal Case No. 61/2014 which was disposed of by the Deputy Director, Welfare under order bearing Memo No. 27 dated 20.02.2015, Annexure-4, referred to in impugned Annexure-8. It is submitted that aforesaid order dated 20.02.2015 has been passed without notice to the petitioner, suppressing the fact that petitioner was serving at the

same Centre after removal of Prabhawati Devi.

3. Learned counsel for the State submitted that from the earlier order of the High Court dated 25.07.2014, Annexure-2 it will appear that one Sunita Kumari was also appointed to serve as Anganwadi Sevika on the same Centre.

4. Having heard counsel for the parties, instead of permitting the State counsel to file a counter affidavit, I think it appropriate to dispose of the writ petition directing the petitioner to appear before the Deputy Director, Social Welfare, Saran Division, Chapra and file a petition before him stating the aforesaid facts, whereafter Deputy Director should issue notice to both Prabhawati Devi and Sunita Kumari provided she was also appointed to work on the same Centre and pass appropriate order in the matter after hearing them and decide the issue as to whether petitioner or Prabhawati Devi or Sunita Kumari should serve as Anganwadi Sevika on Barhima Sonartola Centre. In the light of the order passed by the Deputy Director, Child Development Project Officer will modify the contents of the impugned order, Annexure-8 accordingly.



5. The writ petition is, accordingly, disposed

of.

(V.N. Sinha, J)

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