

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16855 of 2011

=====

Rina Kumari @ Kumari Rina, wife of Amresh Kumar Rai, r/o – village +
P.O. + P.S. – Sarai Ranjan (West), District -Samastipur

.... Petitioner/s

Versus

1. The State of Bihar
2. The Secretary, Department of Welfare, Government of Bihar, Patna
3. The Director, I.C.D.S. Department of Social Welfare, Government of Bihar, Patna.
4. The Commissioner, Darbhanga Division, Darbhanga.
5. The Collector-cum-District Magistrate, Samastipur
6. The Sub-Divisional Officer, Samastipur
7. The Block Development Officer, Sarai Ranjan, District –Samastipur
8. The District Welfare Officer, Samastipur
9. The Child Development Project Officer, Sarai Ranjan, District-Samastipur
10. The Gram Panchayat Raj Sarai Ranjan (West), District- Samastipur through its Mukhiya
11. The Mukhiya, Gram Panchayat Raj, Sarai Ranjan (West), District-Samastipur.
12. The Panchayat Sachiv, Gram Panchayat Raj Sarai Ranjan (West) District- Samastipur
13. Anita Kumari, wife of Akhilesh Kumar Rai, r/o village Sarai Ranjan (West, + P.O. + P.S. –Sarai Ranjan, District - Samastipur

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ritesh Kumar
For the Respondent-State : Mr. Zaki Haider, AC to SC 9
For respondent no.13 : Mr. Kumod Kumar Shrivastava, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT
Date: 07-12-2016



Heard learned counsel for the petitioner, respondent-State and respondent no.13.

The present writ application has been filed for quashing of the order dated 26.08.2010, as contained in Annexure-1 to the petition, passed vide memo no.1249 dated 04.09.2010 by the Collector-cum-District Magistrate, Samastipur, whereby petitioner's objection with regard to appointment of respondent no.13 on the post of Aanganbari Sevika has been rejected. The further prayer has been made for a direction to the respondent to appoint the petitioner on the post of Aanganbari Sevika on Centre 150 of Sarai Ranjan (West) Panchayat in Sarai Ranjan, Samastipur.

The factual matrix of the case is that earlier the petitioner preferred CWJC No.13310/2007 which was disposed of by a co-ordinate Bench of this Court vide order dated 18.12.2009 on submission on behalf of the petitioner that the petitioner intends to move before the Collector of the District by filing a compact representation in view of the guidelines of the scheme for appointment on the post of Aanganwari Sevika. Consequently, the impugned order, as contained in annexure-A to the writ petition, was passed by the Collector-cum-District Magistrate, Samastipur. Hence, the present writ application.

It is submitted by learned counsel for the petitioner that



the petitioner has come before this Court on rejection of the comprehensive representation filed before the Collector in view of the liberty given by this Court in CWJC No.13310 of 2007 and the case of the petitioner is squarely covered under the judgment rendered in the case of *Sunita Kumari vs. The State of Bihar and Ors.* reported in **2011 (1) PLJR 613**.

It is submitted by learned counsel for the respondent-State and respondent no. 9 that as per the Clauses 11 and 8.7 of the guidelines of 2006 and 2010 made for selection of Anganvari Sevika, after dismissal of the representation/appeal by the Collector of the District, the petitioner has remedy of filing appeal/revision before the Divisional Commissioner.

In that view of the matter, the present writ application is disposed of with a liberty to the petitioner to prefer appeal before the Divisional Commissioner concerned within a period of eight weeks from the date of receipt/production of a copy of this order.

Learned counsel for the respondent no.13 and the respondent-State agree not to raise any objection with regard to limitation since the petitioner was pursuing the remedy before this court as the writ application is pending since 2011.

It is expected from the Divisional Commissioner concerned to consider the question of limitation accordingly and



decide the appeal of the petitioner on merits.

Accordingly, the writ application is disposed of.

(Dinesh Kumar Singh, J)

Ashwini/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	17.01.2017
Transmission Date	

