

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.19638 of 2015**

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Kumari Mamta Jha @ Kumari Mamta, wife of Shree Rudradutta Jha,  
resident of Village + PO Bara, PS Sattar Kataiya, District Saharsa

.... .... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Social Welfare, Government of Bihar, Patna
2. The Principal Secretary, Department of Social Welfare, Government of Bihar, Patna
3. The Director, ICDS, Department of Social Welfare, Government of Bihar, Patna
4. The Divisional Commissioner, Koshi Division, Saharsa
5. The District Magistrate, Saharsa
6. The District Programme Officer, ICDS, Saharsa, District Saharsa
7. The Child Development Project Officer (CDPO), Block Sattar Kataiya, District Saharsa
8. The Mukhiya, Gram Panchayat Bara, PO Bara, PS Bihra, District Saharsa
9. Manju Devi, wife of Shri Rajesh Kumar Jha, resident of Village + PO Bara, PS Bihra, District Saharsa

.... .... Respondents

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**Appearance :**

For the Petitioner : Mr. Pramod Mishra, Mr. Arun Kumar  
Advocates  
For the Respondents : Mr. D.K. Prasad, GP VII  
Mr. Ram Shankar Prasad, AC to GP VII

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH**

ORAL ORDER

2 05-01-2016

Heard learned counsel for the petitioner and  
learned counsel on behalf of the respondent State of Bihar.



The petitioner is aggrieved by order dated 29.07.2015 passed in Anganwari Appeal Case No. 76/2011, whereby in compliance of an order, dated 28.06.2014, passed by this Court in CWJC No. 9641 of 2005, the District Magistrate, Saharsa, has cancelled the selection of the petitioner from the post of Anganwari Sevika of Gram Panchayat – Bara Mushari Tola of Centre No. 42 of Block – Sattar Kataiya, District Saharsa.

Learned counsel for the petitioner has drawn my attention to paragraph 16 of the writ application and has submitted that the petitioner has preferred an appeal before the Divisional Commissioner, Koshi Division, Saharsa, against the said order, dated 29.07.2015, which is still pending. He submits that the said appeal before the Divisional Commissioner, Koshi Division, Saharsa, is maintainable, he being the next senior to the District Magistrate who has passed the impugned order, dated 29.07.2015.

In view of the submission and statements made in this writ application, this writ application is disposed of with a direction to the Divisional Commissioner, Koshi Division, Saharsa, (Respondent No. 4), to decide the appeal in accordance with law within a period of three months from the date of receipt/production of a copy of this order. I have not gone into the question of maintainability of the said

appeal or jurisdiction of the Commissioner to entertain the appeal. It shall be open for the Commissioner to consider this aspect also.

**(Chakradhari Sharan Singh, J)**

mrl

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