

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

**Civil Writ Jurisdiction Case No.1327 of 2017**

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1. Sabiha Khatoon, Daughter of Md. Murtaza, Wife of Naseem Ahmad, Resident of Mohalla - Khagari, Ward No. 15, P.S. Islampur, District - Nalanda

.... .... Petitioner/s

Versus

1. The State of Bihar through Secretary, Social Welfare Department, Government of Bihar, Patna
2. The Director, I.C.D.S. Directorate, Bihar, Patna
3. The District Magistrate, Biharsharif ( Nalanda ) District Nalanda
4. The District Programme officer, Nalanda, District Nalanda
5. The Child Development Project officer ( C.D.P.O. ) Islampur, District - Nalanda
6. Block Development Officer, Islampur, P.S. Islampur, District - Nalanda
7. The Sub Divisional officer, Hilsa, District Nalanda
8. The Nagar Panchayat, Islampur through its Executive Officer, District Nalanda
9. The Ward Commissioner, Ward No. 15, Anganbari Centre Code No. 185, Nagar Panchayat, Islampur, P.S. Islampur, District - Nalanda
10. The Block Welfar Officer, Islampur Block, P.S. Islampur, District - Nalanda

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Durga Nand Jha, Adv.

For the Respondent/s : Mr. Kaushal Kr.Jha, AAG8

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**CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN**

**ORAL JUDGMENT**

**Date: 19-09-2017**

Heard Mr. Durga Nand Jha, learned counsel for the petitioner and Mr. K.K. Jha , A.C. to AAG 8 for the State.

The petitioner is aggrieved by the direction contained in the letter of the District Programme Officer addressed to the Child Development Project Officer whereby he has cancelled the selection process initiated for appointment of Anganbari Sevika, Anganbari Code No. 185 in the district of Nalanda. Following the advisement published on 8.8.2015 that a selection process was initiated and the



matter was ultimately placed in the Aam Sabha held on 30.12.2015. The name of the petitioner was placed at Serial No.1 of the panel but somehow no final decision was taken thereon. The petitioner represented the district authorities but to no avail and ultimately the District Programme Officer vide impugned order bearing memo No.1180 dated 19.11.2016 has set aside the selection process on grounds of delay. According to the petitioner even the appeal filed before the District Magistrate, Nalanda, has been rejected.

Mr. K.K. Jha , A.C. to AAG 8 submits that the appeal was filed by the petitioner before the District Magistrate, Nalanda was under a different statute and not under the guidelines issued to regulate the service of Anganbari Sevika and that is the reason it was rejected. According to him no proper appeal as envisaged under the guidelines has been filed by the petitioner to question the decision of the District Programme Officer.

Having heard learned counsel for the parties and considering the stipulations present in Clause 13 of the Anganbari Sevika and Sahayika Guidelines, 2016 which vests jurisdiction in the District Magistrate to consider an appeal against the order of the District Programme Officer, I deem it proper to grant liberty to the petitioner to file a proper appeal in terms of Clause 13 of the Guidelines together with the petition for condonation of delay and it goes without saying



that any such appeal being filed by the petitioner within six weeks from today together with an application for condonation of delay, would be considered by the District Magistrate, Nalanda and be disposed of on its own merits, in accordance with law and after opportunity of hearing to the petitioner and other parties found relevant for adjudication.

The writ petition is disposed of.

**(Jyoti Saran, J)**

Bibhash/-

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