

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14763 of 2010

=====

Jyoti Kumari ,wife of Shri Rajesh Kumar Mahaseth , resident of Village - Daing,
P.S.- Bahadurpur, District- Darbhanga

.... Petitioner/s

Versus

1. The State Of Bihar Through The Secretary Social Welfare Department, Bihar, Patna
2. The Director, Integrated Child Development Department, Bihar, Patna
3. The District Magistrate, Darbhanga
4. The District Welfare Officer, Darbhanga
5. District Programme Officer, Darbhanga
6. The Sub Divisional Officer, Sadar, Darbhanga
7. The Selection Committee Through Its Chairman Gram Panchayat Raj, Ughra Mahapur, Distt.- Darbhanga
8. The Child Development Project Officer Bahadurpur, Distt.- Darbhanga
9. Mukhia, Gram Panchayat Raj Ughra Mahapar, Distt.- Darbhanga
10. Lalita Devi wife of Raj Kumar Yadav resident of Village - Daing, P.S.- Bahadurpur, District - Darbhanga

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. M.Chatterjee

For the Respondent/s : Mr. Anil Kumar Singh GP 26
Mr. Md. Sufiyan

=====

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL JUDGMENT

Date: 15-05-2017

1. Heard Miss Mahashweta Chatterjee, learned counsel for the petitioner, Sri Anil Kumar Singh, learned GP No. 26 as well as Mr. Md. Sufiyan, learned counsel, who has appeared on behalf of the



private respondent no. 10.

2. The present writ petition was primarily filed with a prayer to quash a resolution passed in Aam Sabha dated 17.10.2008 for selection of Anganbari Sevika for the Centre No. 210 Dhanuktoli within the village- Daing, district -Darbhanga and it was also prayed for directing for appointing the petitioner as Anganbari Sevika for the said Centre.

3. The writ petition was filed in the month of September, 2010 and while the writ petition was pending the District Magistrate of Darbhanga noticed irregularity committed in the said Aam Sabha to the extent that Aam Sabha resolution was passed in absence of Mukhiya, who was to act as Chairman of the Aam Sabha and accordingly, the District Magistrate vide its order contained in Memo No. 817 dated 21.3.2012 cancelled the resolution of the Aam Sabha, which was assailed in the present writ petition. Subsequently, the petitioner filed an interlocutory application with a prayer to allow the petitioner to amend the prayer in the writ petition. It was submitted by Miss Mahashweta Chatterjee that though the District Magistrate by way of cancelling the resolution of Aam Sabha dated 17.10.2008 had directed the C.D.P.O. to hold fresh Aam Sabha regarding selection of Sevika and Sahayika, the C.D.P.O. proceeded for inviting fresh application. According to learned counsel for the petitioner the action



of the C.D.P.O. was contrary to the order of the District Magistrate and as such, a prayer was made for allowing the petitioner to amend the writ petition. Though the matter was listed under the heading “For Order Of Petition”, with the consent of the parties the Court proposes to finally dispose of the case.

4. Considering the fact that relief which was sought for in the main writ petition was already granted to the petitioner by the District Magistrate vide its order contained in Memo No. 817 dated 21.3.2012, in normal course, there is no need to further proceed with the matter. However, since a complaint was made that the C.D.P.O. had proceeded contrary to the direction of the District Magistrate, in all fairness, it would be proper to grant liberty to the petitioner to file an objection before the District Magistrate in respect of the said action taken by the C.D.P.O. If such objection is filed by the petitioner before the District Magistrate within a period of six weeks from today, the Court expects that the District Magistrate, Darbhanga may examine the same and pass appropriate order in accordance with law preferably within a period of eight weeks from the date of filing of such objection. With above observation and direction, the writ petition stands disposed of. While disposing of the matter it would be necessary to reiterate that vide order dated 13.01.2014 a Bench of this Court had already issued direction to



maintain status quo. Accordingly, the order of status quo shall remain operative till final decision is taken by the District Magistrate .

(Rakesh Kumar, J)

Praful/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	18 -05-2017
Transmission Date	N/A

