

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15683 of 2008

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Suman Kumari Verma, wife of Ashok Kumar, resident of Village Sorkahi, Ward No. 5, P.O. Sahsi, P.S. Allouli, District Khagaria

.... Petitioner

Versus

1. The State of Bihar
2. The I.C.D.S., Patna, Bihar.
3. The Collector, Khagaria
4. The Sub-divisional Officer, Khagaria
5. The Child Development Project Officer, Allouli, Khagaria.
6. The Block Development Officer, Allouli, Khagaria.
7. Sarita Kumari, wife of Suresh Kumar
Resident of village Sorkahi, P.O. Sahsi, P.S, Allouli, District Khagaria.
8. Naj Makhatun, wife of Md. Ahsan, Mukhiya, Sahsi Gram Panchayat, Allouli, Khagaria
9. Sudha Devi, Mukhiya, wife of Suraj Thakur, Haripur Gram Panchayat, Allouli, Khagaria.
10. Anjani Kumar, son of Ramdeo Singh, Deputy Mukhiya, Haripur Gram Panchayat, Allouli, Khagaria.

.... Respondents

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Appearance:

For the Petitioner : Mr. Ranjit Kumar Singh, Advocate
For the Resp. No. 7 : Mr. Arun Kumar, Advocate
Ms. Sandhya Kumari Sinha, Advocate
For the State : AC to GA 8

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 23-06-2017

Heard learned counsel for the petitioner, learned counsel for the respondent no. 7 and learned counsel for the State.

2. The present petition has been filed for quashing the order dated 01.09.2008 passed by the Collector, Khagaria in Miscellaneous Case No. 4 of 2008-09 and for a direction to the respondents for removal of the respondent no. 7 from the post of Anganwari Sevika at Anganwari Centre No. 128 (later re-designated as Anganwari Centre No. 149) at Village Sorkahi, Ward No. 5 under Sahsi Gram Panchayat of



Block Allouli, District Khagaria and for appointment of the petitioner to the said post.

3. At the very outset learned counsel for the respondent no. 7 submits that the petitioner has alternative remedy of appeal before the Divisional Commissioner against the impugned order of the Collector in terms of paragraph 11 of the Anganwari Sevika/Sahayika Guidelines, 2006, which has not been availed.

4. In the above view of the matter, the writ petition is disposed of granting liberty to the petitioner to prefer an appeal before the Divisional Commissioner, Khagaria against the impugned order, which if filed within a period of two weeks from today, the same shall be disposed of on its own merits by the Divisional Commissioner expeditiously and preferably within a period of twelve weeks thereafter.

5. It is made clear that in case such an appeal is filed, the concerned authority would have regard to the present proceeding being pursued by the petitioner while considering any issue relating to condonation of delay, if applicable.

(Vikash Jain, J)

Chandran/BT

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