

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14561 of 2013

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Raj Kumari, wife of Rajesh Kumar, resident of Village - Bajarkar, P.O. - Sarwa Bazar, P.S. - Barachatti, District - Gaya

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Social Welfare Department, Govt. of Bihar, Patna
2. The Commissioner, Magadh Division, Gaya
3. The District Magistrate, Gaya
4. The District Programme Officer, Gaya
5. The Child Development Project Officer, Barachatti, District - Gaya
6. Sunita Kumari, wife of Arun Kumar, Resident Of Village - Bajarkar, P.O. - Sarwa Bazar, P.S. - Barachatti, District - Gaya

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Ashok Kumar Mishra Mr. Deepak Kumar, Advocate.
For the State	:	Mr. Mahendra Prasad Verma, AC to SC 20
For the Resp. No. 6	:	Mr. Nikhilesh Kumar, Mr. Binod Kumar Sinha, Advocates.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 02-08-2017

Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the respondent no. 6.

2. The present writ petition has been filed for setting aside the order dated 26.06.2013 passed by the District Magistrate, Gaya in Anganbari Sevika Appeal No. 2/13 / 23/12 (Annexure-10); and for connected reliefs.

3. Learned counsel for the petitioner submits that the impugned order dated 26.06.2013 has been passed by the District Magistrate, Gaya who was however not the concerned competent authority to decide the representation of respondent no. 6 in view of the relevant guidelines prevailing at the time in respect of appointment



of Anganwari Sevika and Sahayika.

4. At the very outset, this Court takes note of the writ petition filed by respondent no. 6 in C.W.J.C. No. 18494 of 2012 which was disposed of by order dated 03.10.2012 (Annexure-5) specifically directing the District Magistrate, Gaya to dispose of the representation in question. No fault can be found with the District Magistrate, Gaya in passing the impugned order in compliance of directions of this Court.

5. Learned counsel for the petitioner also accepts that against the impugned order, there is remedy available under the guidelines for approaching the Deputy Director with an appeal against the order of District Magistrate, which has however not been availed.

6. In the above view of the matter, the present writ petition is disposed of with liberty to the petitioner to file appropriate appeal before the concerned authority in accordance with the applicable guidelines.

7. 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 bar of limitation be applicable.

(Vikash Jain, J)

Md. Ibrarul/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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