

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2221 of 2016

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Niku Kumari @ Niku Devi W/o Narendra Singh, Resident of village - Manas Naya Panapur, Ward No. 7, P.S. Akilpur, District – Patna.

.... Petitioner/s

Versus

1. The State of Bihar, through Director, Integrated Child Development Scheme (I.C.D.S.), Bihar, Patna.
2. Director, Integrated Child Development Scheme (I.C.D.S.), Bihar, Patna.
3. District Magistrate/Collector, Patna.
4. District Programme Officer (Welfare), Patna.
5. Sub-Divisional Magistrate, Danapur, Patna.
6. Child Development Programme Officer (CDPO), Danapur, Patna.
7. Smt. Swastika Devi, W/o Sunil Kumar Singh, Resident of village - Naya Panapur, Ward No. 7, P.S. Akilpur, District – Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Adv.

For the Respondent/s : None.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 20-11-2017

Heard Mr. Pramod Kumar Singh, learned counsel appearing for the petitioner. None appears on behalf of the State.

The petitioner along with the private respondent was an applicant in a selection process for appointment to the post of Anganwari Sevika for Kendra No.7 in Village Manas, Naya Panapur in the district of Patna.

According to the petitioner, she was listed at serial no.1 of the merit-list but has been disqualified on incorrect allegation that the father-in-law of the petitioner is in government service which is not the correct position. Arguing for the petitioner it is submitted by Mr. Singh that on the contrary the father of the private respondent is holding a government post and yet she has been selected for appointment. It is submitted that all these issues have been raised before the District Programme Officer,



Patna but he has rejected the same and directed for completion of selection process resulting in appointment of the private respondent.

I have heard learned counsel for the petitioner and I have perused the records.

It is not disputed that there is appellate remedy available under the guidelines relating to appointment of Anganwari Sevika/Sahayika which provides for appeal before the District Magistrate of the concerned district against any order of the District Programme Officer. The petitioner has not exhausted the said appellate remedy and in the meantime the private respondent has been appointed.

Leave is granted to the petitioner to question the order of the District Programme Officer, Patna bearing Memo No.2092 dated 29.7.2015 passed in Case No.58 of 2015 before the Appellate Authority i.e. the District Magistrate, Patna and it goes without saying that any such appeal accompanied with a petition for condonation of delay being filed by the petitioner within four weeks from today shall be considered and disposed of on merit in accordance with law with due notice to the private respondent.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27-11-2017
Transmission Date	NA

