

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5042 of 2014

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1. Anita Kumari Wife Of Upendra Kumar Chaudhary Resident Of Village -
Telardih, P.O. Dhanar, P.S. Chandradeep, Block Islam Nagar, Aliganj, District –
Jamui Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Department Of Social
Welfare, Govt. Of Bihar, Patna
2. The Director, I.C.D.S. Bihar, Patna
3. The Divisional Commissioner, Munger Division, Munger
4. The District Magistrate, Jamui
5. The District Programme Officer, Jamui
6. The Child Development Project Officer, Block - Islam Nagar, Alamganj, District
- Jamui
7. Rubi Kumari W/O Ajay Kumar Chaudhary Resident of Village - Telar, P.S.
Chandradeep, District – Jamui Respondents

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Appearance :

For the Petitioner : Mr. Arun Kumar
For the Respondent No.7 : Mr. Birendra Kumar, advocate
For the State : Mr. Rohitash Das, AC to AAG X

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 27-07-2017

Heard both sides.

The petitioner has filed this writ petition for quashing the order dated 06.12.2013 passed in Misc. Case No. 20 of 2013 by the District Magistrate, Jamui whereby selection of the petitioner as Anganwari Sevika has been cancelled.

The learned counsel for the State has raised preliminary objection about the maintainability of the writ petition and submitted that petitioner has filed this writ petition before this court without exhausting alternative remedy of appeal before the Divisional Commissioner.

The learned counsel for the petitioner submits that under the directives for appointment on the post of Anganwari Sevika and Sahaika, 2011 the District Programme Officer was authorized to cancel the appointment of



Anganwari Sevika and Sahaika and the appeal lies before the Deputy Director, Social Welfare but since the order was passed by the District Magistrate, there is no provision of appeal before the Deputy Director, Welfare.

From perusal of clause 10.3 of Anganwari Sevika/ Sahaika Margdarshika, 2011, annexed as Annexure-D of counter affidavit of respondent No.7, it appears that if the order is passed by the Collector, there is provision of appeal before the Divisional Commissioner and the Divisional Commissioner is supposed to dispose of the appeal within 45 days. Therefore, the contention of the learned counsel for the petitioner does not appear to be correct. The order impugned is passed by the Collector, cancelling the selection of the petitioner, and, therefore, the petitioner should have filed an appeal under Clause 10(3) of the guidelines of 2011 and the appeal lies before the Divisional Commissioner. It is submitted that the petitioner has already filed a petition before the Divisional Commissioner, Munger but the same has not yet been disposed of.

Having considered the facts aforesaid, I dispose of the writ petition with a direction to the Divisional Commissioner, Munger to dispose of the appeal of the petitioner within 45 days from the date of receipt of this order.

(Prabhat Kumar Jha, J)

BKS/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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Transmission Date	N.A.

