

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2374 of 2016

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Saraswati Devi, wife of Chet Lal Paswan, Resident of Village- Jagarnathpur, P.S. Motipur, District- Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar through Secretary, Social Welfare Department, Integrated Child Development Service Scheme New Secretariat, Patna.
2. The Commissioner, Tirhut Division, Muzaffarpur.
3. The District Magistrate, Muzaffarpur.
4. The District Programme Officer, Muzaffarpur.
5. The C.D.P.O. (Child Development Project Officer) Motipur, Block Motipur, Muzaffarpur.
6. The Headman, Gram Panchayat Raj Patti Aswari, Block Motipur, District- Muzaffarpur.
7. The Panchayat Sewak, Gram Panchayat Raj, Patti Aswari, Block- Motipur, District- Muzaffarpur.
8. Madhumala Kumari, wife of Krishn Kumar Paswan, Resident of village- Jagarnathpur, P.S. Motipur, District- Muzaffarpur.
9. Sabita Kumari, wife of Devendra Ram, Resident of Village- Korra (Motipur), P.S. Motipur, District- Muzaffarpur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Adv.

For the Respondent/s : Mr. Bipin Kumar Singh, AC to SC-22

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 20-12-2017

Heard Mr. Nachiketa Jha, learned counsel appearing for the petitioner and Mr. Bipin Kumar Singh, AC to SC-22, for the State.

The petitioner is aggrieved by the order dated 23.12.2015/ 2.1.2016 passed by the District Programme Officer, Muzaffarpur, whereby in consideration of the candidature of the applicants to the post of Anganwari Sevika, Gram Panchayat Raj Patti Aswari, Block Motipur, in the district of Muzaffarpur in compliance of the directions contained in the order of this Court passed in C.W.J.C.No. 710/2014 (Saraswati Devi vs. the State of Bihar & ors.) that he has prepared a panel putting one Sabita Kumari at serial no.1. The panel aggrieved



the petitioner because according to her Sabita Kumari never filed an application for such post nor her candidature was put up before the Aam Sabha so held in the matter.

Be that as it may. It is not in dispute that the order passed by the District Programme Officer put to challenge at Annexure 11 in purported compliance of the order of this Court, is appealable before the District Magistrate, Muzaffarpur under the guidelines regulating the subject of Anganbari Sevika/ Sahaika. The petitioner has bypassed the alternative remedy of appeal so available to her under the guidelines and thus, this writ petition is accordingly disposed of with a liberty to the petitioner to exhaust the appellate remedy so available to her under the guidelines.

It goes without saying that any such appeal filed by the petitioner before the District Magistrate, Muzaffarpur within four weeks from today together with a copy of this order would be considered and disposed of by the District Magistrate, Muzaffarpur in accordance with law and after giving due opportunity of hearing to the petitioner as well as all contesting opponents preferably within three months from the date of receipt/ production of a copy of this order.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.12.2017
Transmission Date	NA

