

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18426 of 2008

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Smt. Sharda Devi W/o Naresh Prajapat, resident of village- Purkhanchak,
P.O & P.S. Dumaria, District Gaya Petitioner/s

Versus

1. The State of Bihar through Director, I.C.D.S. Bihar, Patna
 2. The District Magistrate, Gaya
 3. The District Welfare Officer, Gaya
 4. The Child Development Project Officer, Dumariya, Gaya
 5. The Block Development Officer, Dumariya, Gaya
 6. The Gram Panchayat, Pankara Block, Dumariya, District Gaya, through
its Panchayat Secretary
 7. The Mukhiya, Gram Panchayat, Pankara Block, Dumariya, Gaya
 8. The Panchayat Secretary, Gram Panchayat, Pankara
 9. Sapna Bharti, W/o Sudhir Kumar Bharti, resident of village- Pankara,
District Gaya Respondent/s
- =====

Appearance :

For the Petitioner/s : Mr. Jitendra Prasad Singh
Mrs. Anita Raghavendra

For the Respondent/s : Mr. (GP4)
Mr. Sunil Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 02-02-2017 Heard the parties.

The petitioner seeks quashing of the order dated 22.07.2008 passed by the District Magistrate, Gaya, in case No. 11 of 2007, as contained in Annexure-5, by which the selection of petitioner as Aanganvari Sevika was terminated and in her place Sapna Bharti, respondent No.9, was appointed.

From the perusal of resolution No.4 (Annexure-1), it appears that petitioner was selected as Aanganvari Sevika but respondent No.9 raised objection against selection of petitioner mainly on the grounds, firstly, that petitioner belonged to



Extremely Backward Caste but she has been shown as Scheduled Caste and, secondly, the region in which the Aanganvari Centre is situated, populous population is of Scheduled caste and the petitioner is not resident of the feeder area. On going through the order of District Magistrate, it appears that he heard the petitioner and terminated her engagement as Aanganvari Sevika on the aforesaid grounds but no evidence has been discussed.

It is submitted that there is provision of appeal against the order of the District Magistrate but no appeal has been filed.

Considering the facts aforesaid, I dispose of the writ petition allowing the petitioner to file an appeal before the Commissioner, Magadh division, Gaya, within one month from the date of receipt/ production of a copy of this order and the Commissioner shall dispose of the appeal of the petitioner within three months thereafter. If the petitioner is aggrieved by the appellate order, the petitioner may again file writ petition before this court.

This writ petition is disposed of as aforesaid.

(Prabhat Kumar Jha, J)

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