

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4472 of 2016

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1. Firdous Anjum, Wife of Md. Shabir Hussain, resident of Village- Bhilwa Tola Ward No. 15, Belhi South Panchayat, Jaynagar, P.O- Jaynagar, P.S- Jaynagar, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar through Secretary, Department of Social Welfare, Government of Bihar, Patna.
2. The Director Integrated Child Development Scheme, Government of Bihar Patna.
3. The District Magistrate, Madhubani.
4. The District Programme Officer, Madhubani.
5. The Child Development Project Officer, Jaynagar (Madhubani).

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar, Adv.

For the Respondent/s : Mr. Anjani Kumar- AAG 6

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL JUDGMENT

2 28-02-2018 Although a prayer is made by Mr. Amish Kumar for adjournment but considering the nature of dispute raised before this Court I deem it necessary to not adjourn the matter because the petitioner has failed to avail of the alternative remedy that is available to her under the Anganbari Sevika/Sahayika Guidelines in force.

The grievance of the petitioner as raised in the proceedings is that she has not been appointed as Anganbari Sevika for Centre No. 166, Ward No. 15, Belhi South Panchayat, Jaynagar Block in the district of Madhubani. Although the claim of the petitioner for appointment has been contested by the respondents in the counter affidavit inter alia on grounds that she is not the resident of Ward



No.15 as well as on ground that her Devar (brother of her husband) is a Government teacher while her Gotni i.e wife of the brother of the husband is a dealer and which objections are sought to be contested by Mr. Amish Kumar, in reference to the opinion of this Court placed at Annexure 7 to the writ petition but in my opinion these are matters to be considered by the authorities competent to do so under the guidelines and until such time that such remedy is exhausted by the petitioner as available to her under the guidelines, a writ petition is not maintainable.

It is not in dispute that any grievance arising from a selection process is questionable before a District Programme Officer under guidelines in force and the petitioner has failed to exhaust the remedy. Although some kind of representation has been filed before the District Magistrate who in fact is an appellate authority to consider an appeal arising of an order passed by a District Programme Officer that the petitioner has failed to raise her grievance before the District Programme Officer, I deem it proper to dispose of the writ petition affording liberty to the petitioner to exhaust the remedy so available to her under the guidelines and it goes without saying that any such representation filed by the petitioner within 6 weeks from today together with copy of this order would be considered and disposed of by the



District Programme Officer on merits and in accordance with law after giving opportunity of hearing to the concerned parties including the petitioner.

The writ petition is disposed of.

(Jyoti Saran, J)

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