

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4143 of 2016

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Kumari Sandhya Singh Wife of Pramod Choudhary Resident of Village- Kharahana
Piriyatola Post Office- Kakarian, Police station -Dhansoi District Buxar.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department Government of Bihar, New Secretariat, Building Patna.
2. The Principal Secretary, Social Welfare Department Government of Bihar, New Secretariat, Building Patna.
3. Grampanchayat Kharahana Within the District of Buxar through the Panchayat Secretary.
4. The Mukhia , Grampanchayat Kharahana District Buxar.
5. The Panchayat Secretary, Grampanchayat Kharahana District Buxar.
6. The District Magistrate Buxar.
7. The District Programme officer, Buxar.
8. The Child Development Project Officer, Buxar.
9. Kamlawati Devi Wife of Ashwani Kumar Chouhan resident of Village- Kharahana Police station Dhansoi District Buxar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Verma, Adv.

For the Respondent/s : Mr. Tej Pratap Singh, AC to AAG-13

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 13-03-2018

Notice though served on the private respondent, she has not
chosen to appear.

I have heard Mr. Sanjay Kumar Verma, learned counsel for
the petitioner and Mr. Tej Pratap Singh, learned AC to AAG-13, for
the State.

The writ petition was filed for a direction to the District
Programme Officer to decide the complaint of the petitioner
complaining against illegal appointment of the private respondent as
Anganwari Sevika, Anganwari Centre No. 175, Gram Panchayat



Kharahana, Ward No.7, in the district of Buxar.

A counter affidavit is filed enclosing an order bearing Memo No. 93 dated 23.1.2016 of the District Programme Officer and in reference thereto learned State Counsel informs that the complaint has been disposed of and which is appealable before the District Magistrate, Buxar.

Mr. Verma, learned counsel for the petitioner, in reference to the order of the District Programme Officer submits that the obligation cast on the District Programme Officer under Clause 10.2 of the Guidelines regulating appointment of Anganwari Parvekshika, Sevika and Sahaika, which inter alia mandates an opportunity of hearing to the concerned parties, has not been discharged and is missing in the present case.

The submission stands noted in the order of this Court passed on 6.2.2018 and has not been contested when the matter is taken up today after a lapse of more than a month. In normal course, and if the manner of discharge was in tune with the guidelines, may be, the petitioner would have been relegated to the appellate remedy available under Clause 10.3 of the Guidelines but considering that Clause 10.2 of the Guidelines very clearly casts an obligation on the District Programme Officer to give an opportunity of hearing to the concerned parties, the order is illegal and dehors the Guidelines. A suo



moto examination and disposal by the District Programme Officer on the objection filed by the petitioner questioning the appointment of the private respondent is not in tune with the guidelines rather the submission made by Mr. Verma is in tune with the prescription present at Clause 10.2 of the Guidelines and the illegality in the order of the District Programme Officer is manifest from the order itself which confirms that the parties have not been granted opportunity of hearing.

For the reasons discussed, the order bearing Memo No. 93 dated 23.1.2016 of the District Programme Officer, Buxar is quashed and set aside. The matter is remitted to the District Programme Officer to pass order afresh but in accordance with law after opportunity of hearing to the parties, taking notice of the obligation present at Clause 10.2 of the Guidelines which order be passed within four weeks of the receipt/ production of a copy of this order.

The writ petition is allowed with the directions aforementioned.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.03.2018
Transmission Date	NA

