

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2465 of 2011

=====

Rekha Kumari W/O Sanjeev Kumar Singh R/O Village & P.O.-Hazipur,
Tola-Bagati Tola, P.S.-Kessariya, Distt.-East Champaran

.... Petitioner

Versus

1. The State of Bihar, through the Secretary, Social Welfare Department, Govt. of Bihar Patna
2. The District Magistrate, Motihari
3. The District Welfare Officer, East Champaran, Motihari
4. The District Programme Officer, East Champaran, Motihari
5. The Child Development Project Officer, Block-Kalyanpur, Distt.-East Champaran
6. The Block Development Officer, Kalyanpur, Distt.-East Champaran
7. Meera Devi W/O Lalan Kuar, R/O Vilalge & P.O.-Hazipur, Tola-Hajipur, P.S.-Kessariya, Distt.-East Champaran, Motihari

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Patanjali Rishi, Advocate
Mr. Ravi Shanker Dwivedi, Advocate

For the State : Mr. Y.P. Sinha, AAG-7
Mr. Shankar Kumar, A.C. to AAG-7

For the Respondents: Mr. Madhurendra Kumar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT

Date: 16-01-2018

Heard learned counsel for the petitioner,

learned counsel for the State and learned counsel

representing the respondent no. 7.

It appears from the submissions made at the bar

that this petitioner had been appointed as Anganbari Sevika

vide Annexure-2 to the writ application. After her



appointment, she was not served with any order of termination, but by Annexure-3 to the writ application, the District Welfare Officer, East Champaran, Motihari directed the Child Development Project Officer, Kalyanpur that in view of letter no. 17 dated 22.08.2006 containing the opinion of the Mukhiya, the respondent no. 7 Meera Devi, is permitted to work as Anganbari Sevika.

Learned counsel for the petitioner submits that the petitioner was selected as Anganbari Sevika pursuant to the Aam Sabha. A letter as contained in Annexure 2 was issued to her intimating her about her selection as Anganbari Sevika, and therefore a right had accrued in her favour. He further submits that before issuing Annexure-3 to the writ application which effectively deprives the petitioner from allowing her to join as Anganbari Sevika, no chance of hearing was given to her. No show cause notice was served upon her and no reason has been shown for allowing respondent no. 7 to continue to work as Anganbari Sevika. He submits that letter as contained in Annexure-3 has a civil consequence, inasmuch as she has been deprived of fruits of her selection.

Learned counsel for the petitioner further



submits that the petitioner raised her grievance by submitting representation to the District Programme Officer as well as the District Officer, East Champaran, Motihari, but no action has been taken on her representation.

On the other hand, learned counsel for the State submits that the petitioner ought to have filed an appeal before the respondent District Magistrate if at all she was aggrieved by the order passed by the District Welfare Officer.

Without going into the merit of the contention of the parties at this stage, in view of the stand taken by the State, I would direct the District Magistrate, East Champaran, Motihari to treat Annexure-7 to the writ application as an appeal and consider the same after giving an opportunity of hearing to the petitioner. The District Magistrate, East Champaran, Motihari shall hear and dispose of the matter by a reasoned order within a period of four months from the date of production/receipt of a copy of this order, which shall be duly communicated to the parties immediately.

Since respondent no. 7 is also represented in this Court, it is expected that respondent no. 7 shall also cooperate in early disposal of the appeal.



With the aforesaid observation, this Writ
Application stands disposed off.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.01.2018
Transmission Date	NA

