

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17349 of 2015

RESHMI DEVI WIFE OF SRI DEOBANSH PASWAN, RESIDENT OF VILLAGE
MANJURAH, POLICE STATION AND DISTRICT AURANGABAD

... Petitioner

Versus

1. THE STATE OF BIHAR
2. THE DIRECTOR, INTEGRATED CHILD DEVELOPMENT SERVICE, DEPARTMENT OF
SOCIAL WELFARE, INDIRA BHAWAN, RAM CHARITRA SINGH PATH, PATNA
3. DIVISIONAL COMMISSIONER, MAGADH DIVISIN, GAYA
4. DISTRICT MAGISTRATE/COLLECTOR, AURANGABAD
5. DISTRICT PROGRAMME OFFICER, AURANGABAD
6. CHILD DEVELOPMENT PROJECT OFFICER, AURANGABAD

.... Respondents

Appearance :

For the Petitioner : Mr. Rajesh Kumar Singh, Advocate
Mr. Rana Pratap Singh, Advocate

For the State : Mr. Santosh Chandra Bhaskar, AC to GP 11

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 04-04-2018

Heard learned counsel for the petitioner and the State.

2. Pursuant to the inspection dated 22.5.2009 petitioner's selection as Anganbadi Sevika at Centre/Code No. 21 was cancelled under order dated 23.5.2009 (Annexure 1), issued by the District Programme Officer, Aurangabad. The same was challenged by the petitioner in C.W.J.C.No. 12208 of 2009. This Court vide order dated 15.9.1999 relegated the petitioner to the Appellate authority to file an appeal before the Collector which also was rejected vide order dated 16.2.2010, passed in Anganbadi Appeal No. 30/09. The petitioner challenged the order of the Collector by filing the writ petition bearing C.W.J.C.No. 7396 of 2010. Said writ petition was withdrawn by the petitioner on 23.8.2010 to prefer an appeal before



the Commissioner, Magadh Division, Gaya. Commissioner's order dated 7.9.2011 (Annexure 3), passed in Appeal No. 82 of 2010 also went against the petitioner. Thereafter, C.W.J.C.No. 12938/2012 was filed by the petitioner which was disposed of vide order dated 23.8.2012 (Annexure 7) relegating the petitioner to avail the remedy of appeal before the Director, Integrated Child Development Service (ICDS), Bihar, Patna. Appeal of the petitioner filed pursuant to the said order passed in C.W.J.C.No. 12938/2012 was finally returned to the petitioner on 17.9.2013 vide order contained in Annexure 8 by the office of the Assistant Director, ICDS by assigning the reason that in view of new guidelines coming into force the Director, ICDS is not a competent authority to consider petitioner's appeal.

3. The petitioner has now filed the instant writ petition seeking to challenge all the orders issued right from the order dated 23.5.2009, issued by the District Programme Officer upto order dated 7.9.2011, in Appeal No. 82 of 2010, passed by the Divisional Commissioner, Magadh Division, Gaya rejecting petitioner's appeal. All the said orders have earlier been challenged by the petitioner by filing writ petitions as noted above.

4. The petitioner has filed instant writ petition without assailing order dated 17.9.2013 of the Assistant Director, ICDS returning her appeal by assigning the reason that he was not competent authority to consider petitioner's appeal.



5. Merely by relying upon order dated 30.4.2015, passed in C.W.J.C.No. 446 of 2014 & 3489/2015 filed by other similarly situated other Anganbadi Sewika namely Bimla Devi and Kavita Devi. Petitioner has approached this Court to challenge all the said orders, the last being order dated 7.9.2011. That also has been done belatedly without assailing order dated 17.9.2013, returning petitioner's appeal.

6. In view of the aforesaid facts, this Court finds that no relief can be granted to the petitioner at such belated stage. This Court also notices that since order dated 17.9.2013, passed by the Assistant Director, ICDS, Bihar, has not been challenged, no ground has been made to interfere with the same. The petitioner cannot be permitted to assail all the orders right from the orders passed by the District Programme Officer to the Appellate authority by way of instant proceeding.

7. The writ petition appears to be misconceived and the same is dismissed.

(Madhuresh Prasad, J)

Shashi.

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CAV DATE	NA
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