

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.744 of 2016

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Niva Kumari W/o Sri Uday Yadav R/o Village- Kutulpur, P.s Khijarsarai, Distt0
Gaya Bihar.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Deptt., Govt. of Bihar, Patna.
2. The Director, Directorate of Integrated Child Development Services, Bihar, Patna.
3. The Deputy Director, Social Welfare Deptt. Magadh Division, Gaya.
4. The District Magistrate, Gaya
5. The District Programme Officer, I.C.D.S. Gaya.
6. The Child Development Project Officer, Khijarsarai, Gaya.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Brijeshwar Narayan Singh, Adv.
For the Respondent/s : Mr. Avinash Shekhar, AC to SC-6

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 12-04-2018

Leave is granted to the learned counsel for the petitioner to correct the designation of respondent no.4 to read as 'the District Magistrate, Gaya' in place of 'the District Officer, Gaya'.

Heard Mr. Brijeshwar Narayan Singh, learned counsel for the petitioner and Mr. Avinash Shekhar, learned AC to SC-6, for the State.

The petitioner is aggrieved by the order dated 27.4.2015 passed by the District Programme Officer, Gaya in Case No. 25/2014, whereby the appointment of the petitioner to the post of Anganwari Sevika, Bhuitoli, Kutulpur Kendra, Block Khijarsarai, in the district of Gaya has been cancelled.



The order impugned at Annexure 1 would manifest that it is on alleged detection of irregularity in the selection process that the appointment has been cancelled.

While Mr. Singh, learned counsel for the petitioner, contests the order on merits, Mr. Shekhar, learned counsel for the State, has invited attention of this Court to the statement made in paragraph 13 of the writ petition, wherein it is mentioned that the petitioner has preferred a statutory appeal against the order of the District Programme Officer and which is pending before the Deputy Director, Social Welfare, Magadh Division, Gaya. It is not in dispute that although at the time when the appeal was preferred the appellate powers to examine an order passed by the District Programme Officer arising from a selection process stood vested in the Deputy Director, Social Welfare but by amendments made subsequently the appellate jurisdiction now vests in the District Magistrate. Such is the position reflecting from 2016 guidelines.

Mr. Shekhar further informs on instructions that hearing has taken place before the District Magistrate, Gaya in the appeal.

On the other hand, it is the stand of Mr. Singh, learned counsel for the petitioner on instructions that, the petitioner has not been heard in the matter.

Having heard learned counsel for the parties and



considering the submissions advanced by the learned counsel representing the respective parties, I deem it proper to direct the District Magistrate, Gaya to give an opportunity to the petitioner to press her appeal, if earlier not given, and dispose of the same in accordance with law preferably within three months of the receipt/production of a copy of this order.

Let the petitioner approach the District Magistrate, Gaya at 11 A.M on 23rd April, 2018 together with a copy of this order and when he shall proceed in the manner stipulated above.

With the aforementioned observation and direction, the writ petition is disposed of.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.04.2018
Transmission Date	NA

