

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.197 of 2019

In

CIVIL REVIEW No.393 of 2018

=====

Anita Kumari, aged about 31 years, Gender-Female, Wife of Sri Naresh Singh, Resident of Village and P.O.- Ambad, Ward No. 3, P.S.- Alauli, District- Khagaria.

... .. Appellant

Versus

1. Smt. Mikki Minakshi, aged about 27 years, Female, Wife of Sri Chandreshwar Prasad Singh, Resident of Ward No. 2, Panchayat- Amba Ichaura, Village and P.O.- Amba, Police Station- Alauli, District- Khagaria.

... .. Petitioner/Opposite Party Ist Set

2. The State of Bihar represented through the Commissioner-Cum-Secretary, Department of Social and Welfare, Government of Bihar, Patna.
3. The Director, Directorate of Integrated Child Development Scheme, Bihar, Patna.
4. The Deputy Director, Welfare, Munger Division, Munger.
5. The District Magistrate, Khagaria.
6. District Programme Officer, Khagaria.
7. The Child Development Project Officer, Alauli, Khagaria.
8. Vandana Kumari, aged about 28 years, Female, Wife of Sri Jitendra Kumar, Resident of Village and P.O.- Amba, Police Station- Alauli, District- Khagaria

... .. Respondents/Opposite Parties/Respondents

=====

Appearance :

For the Appellant/s	: Mr. Girjanand Prasad, Adv.
For the State	: Mr. Gyan Prakash Ojha, G.A.-7
For the Respondent No.1	: Mr. Mukesh Kumar Jha, Adv. Mr. Santosh Kumar Singh, Adv.

=====



CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT & ORDER

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 06-09-2019

Heard the counsel for the parties.

Re. I.A. No. 1 of 2019 :

For the reasons stated in the aforesaid interlocutory application, we condoned the delay in preferring the appeal.

Re. L.P.A. No. 197 of 2019 :

The challenge in the present appeal is to the order dated 20.08.2018 passed by a learned Single Judge of this Court in C.W.J.C. No. 4773 of 2015; as also the order dated 31.10.2018 passed in Civil Review No. 393 of 2018 refusing to interfere or review the earlier order dated 20.08.2018.

2. The petitioner had challenged the order of the Deputy Director, Welfare, Munger Division, whereby the order passed by the District Programme Officer, Khagaria dated 22.09.2014 in Case No. 99 of 2013 was set-aside and



a direction had been issued sustaining the selection of private respondent No. 8 as *Anganbari Sevika* of the concerned Centre.

3. After going through the pleadings and the orders impugned in the present petition, we find that the Deputy Director, Welfare, Munger Division was no authority under the I.C.D.S. scheme to set-aside the order of the District Programme Officer, Khagaria. The forum which ought to have been invoked by the appellant/petitioner was the District Magistrate in appeal, who, under the Rules of 2010 was the second appellate authority under the I.C.D.S. scheme.

4. In any view of the matter, since the appellant has challenged the appointment of private respondent No. 8 on the ground that her appointment has been made on some entry made in the earlier mapping register, which was not prepared in accordance with the Rules of 2010, we direct that in case the appellant makes a suitable representation/appeal before the District Magistrate, Khagaria (respondent No. 5), challenging the order of the



District Programme Officer dated 22.09.2014, within a period of four weeks from today, he shall dispose off the same within a further period of four weeks. In case, the District Magistrate is of the view that in terms of the Rules of 2019 which is in place, the matter be looked into by the concerned Divisional Commissioner. He would either transmit the records to the office of the concerned Divisional Commissioner or would ask the appellant herein to prefer a revision before the concerned Divisional Commissioner. In that event, the Divisional Commissioner shall dispose of the representation/revision of the appellant within a period of six weeks of the receipt of the records of the case.

5. The appeal stands allowed to the extent indicated above.

(Amreshwar Pratap Sahi, CJ)

(Ashutosh Kumar, J)

Praveen-II/Shageer

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	06.09.2019
Transmission Date	N/A

