

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2760 of 2019

Indu Devi Lalbabu Baitha resident of Ward No.4, Gram Panchayat and P.O-
Sirsi, P.S- Nanpur, District- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar and Ors through the Principal Secretary, Department of Welfare, Government of Bihar, Patna
2. The Director, Integrated Child Development Scheme C.I.C.D.S.J, Bihar, Patna Bihar
3. The Commissioner Tirhut Division, Muzaffarpur Bihar
4. The District Officer-cum- District Magistrate -cum District Collector, Sitamarhi Bihar
5. The District Programme Officer (I.C.D.S) Sitamarhi Bihar
6. The Child development Project Officer (C.D.P.O), Block- Nanpur, District- Sitamarhi Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Amrit Abhijat Mr. Manoj Kumar Gupta
For the Respondent/s	:	Mr. Rajesh Kumar, AC to (Gp 3)

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 29-05-2019 Matter has been listed today in the Summer Vacations as the learned Counsel for the petitioner was desirous for consideration of his case during vacation.

The slip for listing was filed pursuant to notice dated 8th May, 2019, published prior to the Vacation.

The matter is, accordingly, taken up for consideration as both parties are present and willing to assist the Court for disposal of the matter.

Upon re-organisation of Anganwari Centers, the



petitioner has been shifted from her home Ward 04 to Ward No. 05.

It is submitted by petitioner's Counsel that since she is resident of Ward No. 04 therefore shifting her to Ward No. 05 is not only contrary to the guidelines but would also frustrate the objectives of the Anganwari Center for which she has been made Sahaika as the distance would come in the way of proper discharge of social welfare objectives.

Counsel for the State, on the other hand, submits that from letters showing shifting of Sevika and Sahaika, Annexure 3 to the writ petition, it is evident that for Ward No. 04 there is also another person who is belonging to the same ward.

From bare perusal of Annexure 3, it is prima facie evident that there is likely to be a competing interest for being made Anganwari Sahaika in Ward No. 04. The claim of the petitioner has to be examined, however, by the respondent authorities themselves under the extant provision/guidelines and having regard to any competing interest for the said Ward No. 04.

In the circumstances, since decision has to be taken by the authorities themselves, parties are in agreement that keeping the writ proceeding pending would be of no avail. The issue



therefore has to be decided by respondent No. 5 in accordance with law and after hearing the parties concerned.

The petitioner in this regard has already submitted her claim before respondent No. 5. The same is Annexure 4 series of the instant writ proceeding.

Let final decision be taken by respondent No. 5 on the claim of the petitioner within a period of three months from the date of receipt/production of a copy of this order after hearing concerned parties and in accordance with law.

In the meantime, Counsel for the petitioner undertakes to ensure that the social welfare objectives of the transferred ward are properly discharged by her to the best of her ability.

The writ petition stands disposed of.

(Madhuresh Prasad, J)

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