

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19453 of 2016

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Nuzhat Ara Wife of Md. Asif Siddki, Resident of Village- Patisaul, P.S.-
Katara, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Social Welfare Department, Bihar, Patna
2. The Director, I.C.D.S., Bihar, Patna.
3. The Collector, Muzaffarpur.
4. The District Programme Officer, Muzaffarpur.
5. The Child Development Programme Officer, Katra, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ashok Kumar Jha
For the State	:	Mr. Lala S.N.Ravi, AC to Gp2
For Respondent	:	Mr. Jyoti Prakash

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 27-02-2019 Heard learned Counsel for the petitioner and the
learned Counsel for the respondent State.

The petitioner complains that contrary to the guidelines and instruction of the Department contained in Annexures 4 dated 12.3.2013, Annexure 5 dated 12.3.2013 and Annexure 6 dated 27.4.2003 of the writ petition the respondent Child Development Project Officer (respondent No. 5) has coerced shifting of Anganwari Centre No. 135 from Ward No. 13 to Ward No. 15.

The issue however has not been raised before the authorities for implementation of the departmental guidelines



contained in Annexures 4 to 6 of the writ petition.

An Intervention Petition bearing I.A. No. 4286 of 2018 has been filed by the intervenor who supports shifting of the centre in question.

If the shifting is contrary to the departmental guidelines the contention has to be examined by the authorities considering the claim of the petitioner in terms of the guidelines Annexures 4 to 6.

In the circumstances the writ petition is disposed of with a direction to respondent No. 3 Collector, Muzaffarpur to examine the issue whether shifting of the centre in question on the dictate of CDPO is violative of departmental guidelines contained in Annexures 4 to 6. The Collector Muzaffarpur should take a final decision on the claim of the petitioner in the event an application is filed along with a copy of this order within a period of four weeks from the date of receipt/production of a copy of this order.

The Collector Muzaffarpur may hear the concerned parties including the intervenor-petitioner in I.A. No. 4286 of 2018 namely Fatima Siddiqui.

Till final decision is taken by the District Magistrate, it is expected that in view of departmental guidelines running of



the centre in question at the present place is not disturbed so as to bring about any adverse circumstances in discharge of the social welfare measure for which the centre has been established.

The writ application is disposed of.

(Madhuresh Prasad, J)

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