

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3986 of 2019

=====

Phul Kumari @ Ful Kumari Devi @ Fool Kumari, wife of Sudama Singh @ Sudama Yadav, resident of Village- Gopal Ke Bathan, P.S. Jagdishpur, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Social Welfare Department, Government of Bihar,
2. The Director, ICDS, Bihar, Patna.
3. The Commissioner, Patna Division, Patna.
4. The Collector-cum-District Magistrate, Bhojpur, Ara.
5. The District Programme Officer, ICDS, Bhojpur, Ara.
6. The Child Development Project Officer, Jagdishpur, Bhojpur, Ara.
7. The Lady Supervisor, Jagdishpur, Bhojpur.
8. Rinku Kumari, wife of Dhanjee Singh, resident of Village- Gopal Ke Bathan, P.O.- Jagdishpur, P.S.- Jagdishpur, Ward No. 10, District- Bhojpur, Ara.
9. The Panchayat Secretary, Jangal Mahal Panchayt, Ward No. 10, Block- Jagdishpur, District- Bhojpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Surendra Kumar Mishra
For the Respondent/s : Mr.Md. Raisul Haque (Sc10)

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 05-03-2019

The petitioner was appointed as *Anganbari Sevika* in Ward No. 10 in Jagdishpur Block in the District of Bhojpur at Ara after being adjudged the most suitable candidate for the aforesaid post. After she worked for about six months, a complaint was made by the private respondent No. 8, a failed applicant, on the basis of which the District



Programme Officer, ICDS, Bhojpur, Ara (respondent No. 5) set aside the appointment of the petitioner and directed for appointment of private respondent No. 8 in place of the petitioner.

2. The learned counsel for the petitioner has submitted that from the perusal of the order impugned i.e. the order passed by the District Programme Officer, Bhojpur, it will become very clear that the grounds taken by the petitioner have not at all been adverted to. The appointment of the petitioner has been cancelled only on the ground that the petitioner was found to be wife of one Sudama Singh @ Sudama Yadav, who actually was married to a lady by the same name of Phul Kumari earlier, who died and only thereafter the petitioner married aforesaid Sudama Singh @ Sudama Yadav, who came to stay with the petitioner in her village home.

3. This submission of the petitioner, despite relevant certificates in support of the same, was found to be unacceptable to the District Programme Officer; nonetheless, the grounds urged by the petitioner have not been referred



to in the order impugned. The other ground on which the appointment of the petitioner has been set aside is that the application for change of address was made by the petitioner after her applying against the concerned advertisement for such post.

4. The learned counsel for the petitioner has submitted that somebody else masqueraded as the petitioner and got the same filed for discrediting her.

5. Since the factual aspects/issues are involved in this matter, this Court deems it appropriate to direct the petitioner to prefer an appeal before the Collector-cum-District Magistrate, Bhojpur, Ara (respondent No. 4), who is the second appellate authority against the order passed by the District Programme Officer, ICDS, Bhojpur, Ara (respondent No. 5). The aforesaid appeal shall be filed within a period of two weeks from today. On receipt of the memo of appeal, the Collector-cum-District Magistrate, Bhojpur, Ara shall, after hearing the petitioner, private respondent No. 8 and other stake holders, pass a reasoned order within a further period of four weeks thereafter.



6. With the aforesaid observation and direction, the writ petition is disposed off.

(Ashutosh Kumar, J)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07/03/2019

