

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12426 of 2014

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Tajuna Perween @ Tanuja Begum W/o Md. Rafique Resident of Village
Dangipara, P.O. Taiyabpur, P.S. Pothiya, District Kishanganj Bihar.

... .. Petitioner

Versus

1. The State Of Bihar
2. The District Magistrate cum Collector, Kishanganj.
3. The Regional Development Officer, Division Purnea.
4. The District Programme Officer, Kishanganj.
5. The Child Development Project Officer, Pothiya, Kishanganj.
6. Kohinoor Begum W/o Md. Mazharul Islam R/o Village Dangipara, P.O.
Taiyabpur, P.S. Pothiya, District Kishanganj.
7. The Mukhiya, Gram Panchayat Phala.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Jawed Gaffar Khan
For the Respondent/s : Mr.Sc30- Avinash Kr.

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 17-06-2019 Heard learned Counsel for the petitioner and the
learned Counsel for the State.

The short issue raised by petitioner's Counsel is that
by order dated 22.1.2014 petitioner's selection as Anganwari
Sevika at Mini center of Dengipara North, Ward No. 12,
Panchayat Phala, Block Pothiya in Kishanganj district has been
set aside.

It is submitted that the competent authority under the
guidelines is District Magistrate or Divisional Commissioner
having regard to the fact that earlier District Programme Officer



had heard the matter and appeal against the order of the District Programme Officer could lie either before the District Magistrate or the Divisional Commissioner as per the then guidelines.

The respondents State has filed a counter affidavit. The specific averment of the petitioner that Regional Development Officer had no authority to hear the appeal, has not been denied or disputed by the State. In fact, they have filed a counter affidavit stating that such assertion of the petitioner “requires no comment”.

Notices were earlier issued to private respondent No. 6. Counsel has appeared to represent respondent No. 6 who is the beneficiary of the order passed by Regional Development Officer, Purnea, which is impugned in the instant proceeding. On being faced with such situation, he submits that she should not be deprived of her liberty to appeal and that liberty be granted to avail remedy of appeal before the appropriate authority.

With liberty to respondent No. 6 to avail of remedy of appeal in accordance with law, the writ petition is allowed. Order dated 22.1.2014 issued by Regional Development Officer, Purnea in Miscellaneous Appeal No. 87 of 2013 is hereby



quashed.

In the event respondent No. 6 prefers an appeal before the competent authority, needless to say that it has to be considered upon its own merit in accordance with law.

The writ petition stands allowed.

(Madhuresh Prasad, J)

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