

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6624 of 2019

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Arti Kumari, wife of Nagmani Prasad, resident of Village-Tikar, Gohchak-2,
Post Office-Teusa, P.S.-Atri, District-Gaya

... .. Petitioner/s

Versus

1. The State of Bihar through Director, I.C.D.S. (Integrated Child Development Scheme) Bihar, Patna
2. The Director, Department of Welfare, Patna
3. The Collector, Gaya.
4. The District Programme Officer, Gaya.
5. The Child Development Programme Officer, Atri, Gaya.
6. The Lady Supervisor, Atri, Gaya
7. Smt. Rumi Khatoon, wife of Ekram Ansari, Resident of Village-Gohchak-2,
Post Office-Teusa, P.S.-Atri, District-Gaya

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jogendra Prasad, Advocate
For the Respondent/s : Mr. Prasant Pratap (GP-2)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 24-04-2019

The petitioner is aggrieved by the order dated 30.01.2019 passed by the District Programme Officer, Gaya in Anganwari Case No. 330 of 2018 whereby the appointment of the petitioner on the post of *Anganbari Sevika* has been terminated and direction has been issued for initiating the process of appointment afresh by publishing an advertisement in that regard.

2. It appears that petitioner was appointed as



Anganbari Sevika at the concerned centre as she was adjudged the most suitable candidate and her name was placed at serial No. 1 in the merit list. However, on a complaint made by private respondent No. 7 before the District Programme Officer, Gaya (respondent No. 4), an enquiry was conducted with respect to the correctness of the procedure followed in matters of appointment. According to the District Programme Officer, Gaya (respondent No. 4), it was found in the inquiry report that many irregularities had been committed including wrong preparation of mapping register and in fact there were evidences to indicate that the *Aam Sabha* had not even been called.

3. The learned counsel for the petitioner has drawn the attention of this Court to a document contained in Annexure-6 which reflects the facts to the contrary.

4. However, all such issues could be raised by the petitioner in appeal before the Collector, Gaya (respondent No.3) which forum has not been invoked by the petitioner. Unless the petitioner approaches the appellate forum and exhausts the remedy available to him, this Court would not



be willing to enter into such issues which pertain to determination of questions of facts.

5. The petitioner, in the aforesaid circumstances, is directed to prefer an appeal before the Collector, Gaya (respondent No. 3) challenging the order of the District Programme Officer, Gaya (respondent No. 4) within a period of three weeks from today, who, on receipt of which shall, after hearing the parties and verifying the records, pass an order in accordance with law within a further period of six weeks thereafter.

6. With the aforesaid observation/direction, the writ petition stands disposed off.

(Ashutosh Kumar, J)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27/04/2019

