

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11588 of 2015

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Babita Kuamri W/o- Niraj Kumar Singh, R/o Village- Inai, P.O.- Inai, P.S.-
Rivilganj, District- Saran.

... .. Petitioner

Versus

1. The State Of Bihar
2. The Director, ICDS, Department of Welfare, Government of Bihar, Patna.
3. The Deputy Director, Welfare Patna Division, Patna.
4. The District Magistrate, Saran at Chapra.
5. The District Programme Officer, Welfare, Saran at Chapra.
6. The Child Development Project Officer, Rivilganj, Saran at Chapra.
7. The Mukhiya, Inai Gram Panchayat, Rivilganj, Saran at Chapra.
8. The Up-Mukhiya, Inai Gram Panchayat, Rivilganj, Saran at Chapra.
9. July Kumari, W/o- Saroj Kumar Singh, R/o Village- Inai, P.O.- Inai, P.S.-
Rivilganj, District- Saran.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Harsh Anay
For the Respondent/s	:	Mr. Gyan Prakash Ojha, GA 7
		Mr. Gop0al Krishna, AC to GA 7

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 30-04-2019 Heard learned Counsel for the petitioner and the

learned Counsel for the State.

The dispute relating to alleged irregularities in the matter of selection of Anganwari Sevika for Center No. 102 of Ward No. 9 in Village Enai of Block Rivilganj in the district of Saran, was considered by the then competent authority i.e. District Magistrate in the proceedings arising out of Anganwari Case No. 2 of 2012. The order was dated 9.6.2012. Under the erstwhile procedure the petitioner had preferred her appeal



before the Court of Divisional Commissioner, Saran Division, Chapra in Anganwari Appeal Case No. 177 of 2012.

It appears from the order dated 17.1.2015 passed by the Divisional Commissioner, Saran Division, that relying upon a circular of the Welfare Department dated 17.5.2013, which came into existence after the Anganwari Appeal had been filed by the petitioner, he has disposed of the appeal of the petitioner along with all other pending appeals. The same has been done in view of the fact that Clause 10.3 of the Anganwari Guidelines of 2011 stood amended with effect from 17.5.2013. The said amendment provided a new appellate authority i.e. Deputy Director, Welfare in the office of Divisional Commissioner or any other Deputy Collector as authorised by the Commissioner. Both parties agree that Deputy Director, Welfare is a lower authority than the District Magistrate. The order of the Commissioner, however, has omitted to consider that the Deputy Director, Welfare therefore was not competent to consider the appeal passed by the District Magistrate. The order, therefore, has deprived the petitioner of consideration of her appeal.

In the circumstances, this Court would direct the Divisional Commissioner Saran at Chapra to dispose of the



Anganwari Appeal No. 177 of 2012 in accordance with law by a reasoned and speaking order having regard to the fact that the appeal had been filed much before coming into force of the amended provision, wherein new appellate authority had been prescribed. This Court would also take into note the fact that the circular amending the provision which is dated 17.5.2013 does not contain any stipulation that all pending proceedings before the erstwhile competent authority would stand transferred to the new Appellate Authority/competent authority prescribed in the circular.

Having regard to the aforesaid circumstances and with the directions hereinabove the writ petition is disposed of.

(Madhuresh Prasad, J)

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