

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 9344 of 2019

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Rubi Kumari @ Rubi Devi aged about 34 years (Female) wife of Prem Kumar Singh, resident of village - Havelipur, P.S.- Charpokhari, District - Bhojpur.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Govt. of Bihar, Patna.
2. The Director, I.C.D.S. Bihar Social Welfare Department, Govt. of Bihar, Patna.
3. The District Collector, Bhojpur at Ara.
4. The District Programme Officer, Bhojpur at Ara.
5. The Child Development Project Officer, Charpokhari, Bhojpur- cum- the Secretary Anganbari Sevika Selection Committee Grampanchayat Malaur, Charpokhari, Bhojpur.
6. The Chairman Anganbari Sevika Selection Committee- cum-Ward Member Grampanchayat Malaur, Charpokhari, Bhojpur.
7. Sikha Devi aged about years (Female), wife of Manoranjan Paswan, resident of village - Malaur, P.S.- Charpokhari, District - Bhojpur,

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Maya Shankar Mishra, Advocate
For the Respondent/s : Mr. Gyan Prakash Ojha (Ga7)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 18-12-2019 Heard learned counsel for the parties.

The present writ petition has been preferred by the petitioner for directing the respondents to appoint her on the post Anganbari Sevika at Anganbari Centre No. 83, situated in village Havelipur, Block – Charpokhari, District – Bhojpur by cancelling the appointment of respondent no. 7 on the said post, since she has illegally been appointed on the said post.

In this case, counter affidavit has been filed on behalf



of respondent no. 4 and 5 and it has specifically been mentioned in paragraph – 11 that during pendency of the writ petition, the complaint filed by the petitioner, vide Case No. 01/2014-15 before the District Programme Officer, ICDS, Bhojpur, has already been disposed of on 7-5-2019 (Annexure 'B' to the counter affidavit) and the allegations made by the petitioner were not found true.

On noticing aforesaid fact, learned counsel for the petitioner requests for disposing of the writ petition granting liberty to file appeal before the District Magistrate, Bhojpur against the order of District Programme Officer.

In view of aforesaid facts and circumstances and considering the alternative remedy of appeal available to the petitioner, this writ petition is disposed of with direction to the petitioner to file appeal before the appellate authority i.e. District Magistrate.

It goes without saying that if any appeal is preferred by the petitioner, the appellate authority i.e. District Magistrate, Bhojpur shall examine the matter and pass appropriate order expeditiously in accordance with law.

It also goes without saying that the period consumed by the petitioner in pursuing the present writ petition i.e. from



25-04-2019 till date shall be excluded while considering the
limitation matter.

(Prabhat Kumar Singh, J.)

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