

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5874 of 2015

=====

Malti Kumari W/o- Sri Munna Pandit, R/o- Village- Somsa, P.S.- Hisua,
Block- Hisua, District- Nawada. Petitioner

Versus

1. The State Of Bihar
2. Principal Secretary, Social Welfare Department, Government of Bihar, Patna.
3. Director, Welfare, Government of Bihar, Patna.
4. Divisional Commissioner, Magadh Division, Government of Bihar, Patna.
5. District Magistrate, Nawada.
6. Deputy Director, Welfare Magadh Division, Gaya.
7. District Programme Officer, Nawada.
8. Child Development Project Officer, Hisua, Nawada.
9. Usha Kumar, W/o- Sri Akhilesh Mishra, R/o- Sonsa, P.S.-Hisha, District- Nawada.

... .. Respondents

=====

Appearance :

For the Petitioner : Ms. Roona, Advocate
For the Respondents : Prachi Pallavi, AC to Adv.General, Bihar

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 05-03-2019 Heard learned counsel for the petitioner as well as

learned counsel for the State.

The petitioner has challenged order dated 2.12.2014
passed in Anganwari Appeal No. 46/2013 by the Deputy
Director, Welfare, Magadh Division, Gaya (respondent no.6).

Learned counsel for the petitioner submits that on the
basis of a wrong findings regarding the petitioner not being a
resident of Ward No. 10 order has been passed by the Appellate
Authority. Referring to averments made in paragraphs 11 and 12
of the counter affidavit filed on behalf of respondents no. 7 and
8 it is submitted that the subsequent stand of the respondents is



that in a spot verification conducted by the Child Development Project Officer, Hisua, Nawada (respondent no.8) applicant Malti Kumari (the petitioner) was found to be a resident of Ward No. 10 of her village Sonsa.

Such findings of the CDPO has not been considered by the Appellate Authority while passing order dated 2.12.2014. Matter is therefore remanded back to the Deputy Director, Welfare, Magadh Division, Gaya. The Deputy Director (respondent no.6) should consider report of the CDPO referred to in the counter affidavit filed on behalf of respondent no. 7 and 8 and after hearing the parties concerned should pass an order having due regard to the residence of the petitioner and other candidates in accordance with law expeditiously and without any undue delay.

Order dated 2.12.2014 shall be subject to such findings arrived at by respondent no.6 upon remand of this matter.

Writ petition is disposed of.

(Madhuresh Prasad, J)

Shashi

U			
---	--	--	--

