

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4741 of 2015

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Bibi Nargis wife of Md. Imtiyaz Alam Resident of Village - Budheshwari
Amat Tola, Panchayat Rampur Mohanpur West, Police Station - Araria,
District - Araria.

... .. Petitioner

Versus

1. The State Of Bihar
2. The Director, I.C.D.S., Bihar, Patna.
3. The R.T.A. Secretary, Purnea.
4. The Collector, Araria.
5. The District Programme Officer, I.C.D.S. Project, District - Araria.
6. The Child Development Programme Officer, Araria Block, Araria.
7. Sajiya Praveen wife of Murshid Alam Resident of village - Budheshwari
Amat Tola, Police Station - Araria, District - Araria.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Mrigank Mauli Md. Naushad Uzzoha
For the Respondent/s	:	Mr. Narendra Kumar, AC to GP 20
For Respondent No. 7	:	Mr. Ranjeet Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

8 29-01-2019 Heard learned Counsel for the petitioner and the

learned Counsel for the respondent State as also the learned

Counsel appearing on behalf of respondent No. 7.

The short submission raised by Counsel for the
petitioner is that petitioner's appeal before the Regional
Transport Authority Secretary, Purnea (hereinafter referred to as
RTA) was not maintainable. The competent authority to consider
the appeal in relation to removal of Sevikas on ground of
irregularities committed at the centre is the District Magistrate
against the order passed by the District Programme Officer.



It is the submission of Counsel for the petitioner that order of RTA dated 18.2.2015 is without jurisdiction as it has been issued by the authority who was not competent to entertain the appeal in terms of Guidelines of 2011.

Counsel for private respondent No. 7 has appeared. He submitted, with reference to Annexure 'A' of his counter affidavit, that Regional Transport Authority Secretary was the competent authority in view of letter dated 17.5.2013 issued by the Directorate of ICDS amending 2011 guidelines.

The said guidelines have been placed before this Court. The amendment has not affected the jurisdiction of the District Magistrate as the Appellate Authority against the orders passed by the District Programme Officer in matters arising out of irregularities committee in running of the centers. In this respect, the provisions contained in Clause 10.5 and 10.6 dealing with the authority for examining such disputes have not been amended by the ICDS letter dated 17.5.2013. It is only the authorities in relation to allegations in the matters of selection under Clause 10.3 and 10.4 which have undergone a change in light of amendment of the said provision by letter dated 17.5.2013 of the Directorate of ICDS.

The submission of Counsel for the private



respondents, therefore, is not borne from the guidelines as it exists. The order has been issued by the Regional Transport Authority Secretary as the Appellate Authority without jurisdiction. The final Appellate Authority in terms of 2011 guidelines was the District Magistrate. The District Magistrate, Araria has already examined the issue as an Appellate Authority and passed order dated 29.7.2013 in Anganwari Appeal No. 24 of 2012. The said order, therefore, is the order of the competent Appellate Authority, which has to be given effect to.

The order dated 18.2.2015 issued thereafter by the Regional Transport Authority Secretary is without any authority as he is not the competent Appellate Authority in terms of 2011 guidelines as mended by the ICDS Directorate letter dated 17.5.2013.

The order dated 18.2.2015 issued by the Regional Transport Authority Secretary in Misc. Appeal No. 1101 of 2013 is quashed.

The writ petition is allowed.

(Madhuresh Prasad, J.)

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