

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5809 of 2015

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Mamta Devi Wife of Awadh Kishore Sharma Resident of Vill- Piprahia , P.S.
and Block - Barauli, District- Gopalganj, Presently working as Anganbari
Sevika , Centre no. 54 of Village Piprahia, Gram Panchayat Raj Kahla , Block
Barauli, District- Gopalganj. Petitioner

Versus

1. The State Of Bihar
 2. The Principal Secretary, Department Welfare, Government of Bihar, Patna.
 3. The Director I.C.D.S. Welfare Department, Government of Bihar, Patna.
 4. The Dy. Director , Welfare, Saran, Division at Chhapra.
 5. The District Programme Officer I.C.D.S. , Gopalganj.
 6. The Child Development Project Officer, Barauli, Gopalganj.
 7. Rinku Sharma, Wife of Ravi Shankar Sharma Resident of Village- Piprahia,
P.S.- Barauli, District- Gopalganj.
 8. The District Magistrate, Gopalganj
- Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anuj Kumar, Mr. Arun Kumar Prasad & Mr. Shafiur Rahman
For the State	:	Mr. Gyan Shankar, AC to GP 2
For Respondent No. 7	:	Mr. Ravindra Nath Dubey & Ms. Rinam Kumari

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 05-03-2019 Counsel for the petitioner is permitted to add the

District Magistrate, Gopalganj, as respondent No. 8 in the

instant writ petition.

The submission made by Counsel for the petitioner
is that Anganwari Appeal No. 64 of 2014 has been considered
and decided behind back of the petitioner. The order dated
13.12.2014 issued by the District Programme Officer, Gopalganj
on the petitioner's Anganwari Case No. 12 of 2014 was subject
matter of the Anganwari Appeal. Since the Appellate Authority



has created right in favour of one Rinku Sharma (respondent No. 7 in the instant proceeding) and the same is interfering with the order dated 13.12.2014 passed in Anganwari Case No. 12 of 2014 dealing with petitioner's candidature, the petitioner was also a necessary party in the proceeding before the Deputy Director Welfare, wherein the order dated 21.2.2015 has been passed. The only issue is that the petitioner was a necessary party in Anganwari Appeal No. 64 of 2014 decided behind back of the petitioner.

In view of the aforesaid position the order dated 21.2.2015 is quashed.

The petitioner as well as respondent No. 7 agree that since the competent authority to consider the appeal is the District Magistrate, Gopalganj, they would appear before him on 6.4.2019. The parties upon appearance would submit their specific claim before the District Magistrate, Gopalganj for expeditious disposal of the appeal without any undue delay after hearing the parties concerned and in accordance with law.

The writ petition stands allowed.

(Madhuresh Prasad, J)

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