

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3701 of 2018

In
Civil Writ Jurisdiction Case No.811 of 2015

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Kumari Sulekha Wife of Arun Kumar Yadav Resident of village - Bishanpur,
P.S - Rosera, Block - Shivajee Nagar, Dist - Samastipur.

... .. Petitioner

Versus

1. The State Of Bihar through the Divisional Commissioner, Darbhanga
2. The Divisional Commissioner, Darbhanga.
3. The Divisional Deputy Director, Welfare, Darbhanga.
4. The District Magistrate, Samastipur.
5. The District Program Officer, Samastipur.
6. Child Development Project Officer, Shivajee Nagar, Samastipur.
7. Ranjan Kumari Wife of Shri Lalit Kumar Jha Resident of village - Jhakar
Dharmpur, P.S- Rosera, Block - Shivajee Nagar, Dist - Samastipur.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr.Dhananjai Kumar Singh, Advocate
For the State	:	Mr.Gyan Prakash Ojha - GA 7 & Mr. Abhishek Singh, Advocate
for respondent no.7	:	Mr. Rajesh Kr.Verma, Advocate Mr. Shashank Chandra, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 13-02-2019 Heard learned counsel for the petitioner as well as

learned counsel for the State and respondent no.7.

It is submitted that issue regarding competence of the
Divisional Commissioner, Darbhanga to consider petitioner's
appeal, in view of amendment of ICDS Guidelines, is being
raised by the appellate forum. By expressing such apprehension
that petitioner's matter will not be considered by the Divisional
Commissioner, Darbhanga, she has approached this Court for
modifying order dated 18.6.2019, whereby writ petition was
allowed and the Divisional Commissioner, Darbhanga was



directed to take a fresh decision upon appeal filed by respondent no.7 (Ranjan Kumari) after giving due opportunity to the parties. Taking note of the fact that selection was of year 2006 and original order was issued by the District Magistrate, Samastipur this Court under order dated 18.6.2018 had directed that the Divisional Commissioner, Darbhanga should decide the appeal.

Order was passed after considering the stand of the State also. In the counter affidavit State had also submitted that the Divisional Commissioner, Darbhanga was competent to decide the appeal.

Having regard to the facts of the case that selection was of year 2006 and original order was issued by the District Magistrate, Samastipur, earlier order dated 18.6.2018, in the writ proceedings does not call for any modification.

The modification application is dismissed.

(Madhuresh Prasad, J)

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