

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14823 of 2019

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Sati W/o- Brajrang Kumar Resident of Village- Bantolwa, Ward No. 07, P.S.
Rasulpur, District- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar through the Director, I.C.D.S. Bihar, Patna.
2. The District Magistrate, Sitamarhi.
3. The District Programme Officer, Sitamarhi.
4. The C.D.P.O. Bajpatti, Sitamarhi.
5. Anita Kumari W/o- Manohar Kapad Resident of Village- Bantolwa, P.S.-
Rasulpur, District- Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Mishra
For the Respondent/s : Mrs. Kumari Amrita (GP-3)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 25-07-2019 The petitioner had earlier approached this Court

vide C.W.J.C. No. 3348 of 2019, which petition was

disposed off on 22.02.2019 directing the petitioner to

make a fresh representation before the District

Programme Officer, Sitamarhi within a period of four

weeks, who, in turn was directed to pass an order after

hearing the parties within a period of six weeks

thereafter.



Strengthened by the aforesaid observation of this Court, the petitioner preferred a fresh representation before the District Programme Officer, Sitamarhi but the claim of the petitioner was rejected vide order dated 02.04.2019 contained in Memo No. 1148 by the District Programme Officer, Sitamarhi.

It has been submitted on behalf of the petitioner that the District Programme Officer, Sitamarhi has not at all taken into account that the name of the petitioner found mention in the voter list of Delhi also because her parents' house is in Delhi and after marriage, she has come to settle in Sitamarhi. Merely on the ground that an application for removing her name from the voter list of Delhi constituency was filed after the process of selection was initiated, the claim of the petitioner has been bypassed and in her place, a person at serial No. 3 viz. Anita Kumari had been offered appointment on the post of *Anganbari Sevika*.

The petitioner is required to challenge the



aforesaid order of the District Programme Officer, Sitamarhi before the District Magistrate, Sitamarhi (respondent No. 2) who, under the rules of 2016 is the second Appellate Authority.

The petitioner is therefore directed to file an appeal before the District Magistrate, Sitamarhi (respondent No. 2) within a period of two weeks from today. The District Magistrate, Sitamarhi shall hear the appeal and after giving adequate opportunity to all the stakeholders, pass orders in accordance with law within a further period of six weeks thereafter.

Should the District Magistrate, Sitamarhi be of the view that under the new rules of 2019, the matter ought to be heard by the Divisional Commissioner, who is the second Appellate Authority, he shall also ask the petitioner to prefer such revision before the concerned Divisional Commissioner and in that event, the Divisional Commissioner shall dispose off the revision of the petitioner within a period of eight weeks of the receipt of



such revision petition.

With the aforesaid observation/direction, the
writ petition stands disposed off.

(Ashutosh Kumar, J)

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