

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14678 of 2019

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Babita Kumari, Wife of Sri Vijay Paswan, resident of Village Arai Benipur,
P.S. Daniawan, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Social Welfare Department, Government of Bihar, Patna.
3. Director (ICDS), Social Welfare Department, Government of Bihar, Patna.
4. Commissioner, Patna Division, Patna.
5. District Magistrate, Patna.
6. District Programme Officer, Patna.
7. Child Development Project Officer, Khusrupur, District- Patna.
8. Pravila Kumari, Mahila Parivekshika, Khusripur, District Patna.
9. Moni Kumari, Wife of Jitendra Paswan, resident of Village Arai Benipur, P.S.- Daniyawan, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md.Imteyaz Ahmad
For the Respondent/s : Ms. Kumari Amrita (GP3)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 24-07-2019

Heard the learned counsel for the petitioner and the

State.

The petitioner has challenged the order dated

30.05.2019 contained in Memo No. 100, passed in Anganwari

Appeal Case No. 55 of 2018, whereby the appointment of the

petitioner has been set aside on the complaint of Moni Kumari,

Respondent 2nd Set.



Mr. Ajay Kumar Thakur, learned counsel for the petitioner has submitted that against the aforesaid order, the petitioner has already preferred an appeal before the District Magistrate, Patna, who is the second appellate authority under the 2016 Rules, *vide* Appeal No. 3 of 2019. The aforesaid appeal was filed on 25.06.2019.

It may be noted here that under the 2016 Rules, the appellate authority is the Collector but the new Guidelines, which have come in the year 2019, provide that the first authority before whom any complaint is lodged is the C.D.P.O.; whereafter the matter is to be looked into by the District Programme Officer. Against the order of the District Programme Officer, there is a forum of revision which is the final order and the same is to be adjudicated by the Divisional Commissioner.

In any view of the matter, since the challenge is to the order of cancellation of an appointment which had taken place under the 2016 Rules, the District Magistrate is the second appellate authority.



The District Magistrate, Patna (Respondent No. 5) is directed to dispose off the appeal referred to above, within a period of three months from the date of production/communication of a copy of this order. Should the District Magistrate, after examining the records, find that the matter is required to be decided by the Divisional Commissioner, he may transmit the records of the case to the office of the concerned Divisional Commissioner or direct the petitioner to approach the Divisional Commissioner for the needful.

The aforesaid directions have been given only keeping in mind that the process should not be kept pending unnecessarily.

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

(Ashutosh Kumar, J)

skm/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	26.07.2019
Transmission Date	

