

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15126 of 2019

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Rina Kumari W/o Sanjay Yadav Vill.- Jhuriya, P.O.- Pacham, P.s.- Lakhisarai,
Distt.- Lakhisarai

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Welfare,
Govt. of Bihar, Patna
2. The Director I.C.D.S., Bihar, Patna
3. The District Magistrate Lakhisarai
4. The District Programme Officer Lakhisarai
5. The C.D.P.O. Lakhisarai
6. Runi Kumari W/o Prabhat Kumar Vill.- Khutupar, Ward No. 13, P.s.-
Lakhisarai, Distt.- Lakhisarai

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amrendra Kumar, Advocate
For the Respondent/s : Ms. Kumari Amrita (GP 10)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 01-08-2019

Heard the learned counsel for the parties.

2. The petitioner is aggrieved by the decision of the District Programme Officer, Lakhisarai dated 08.03.2019 contained in Memo No. 335 whereby the complaint made by the petitioner against the appointment of Runi Kumari (private respondent no. 6) to be *de hors* the rules has been rejected.

3. No appeal has been preferred against the aforesaid order.

4. It is the case of the petitioner that though private respondent no. 6 was placed at serial no. 1 in the



merit list but the decision to keep her as the first candidate was wrong.

5. It has been submitted that the petitioner was engaged as a Jeevika which is a beneficial employment under the Government. The second cause of complaint against her appointment is that she along with her husband fall in the list of voters for Ward No. 14 whereas the Aanganwari centre falls in Ward No. 13 and therefore the candidature of private respondent no. 6 could not have been considered for appointment. Though these grounds were categorically pressed by the petitioner before the District Programme Officer, Lakhisarai but the complaint was dismissed.

6. The petitioner ought to have filed an appeal against the aforesaid order before the District Magistrate, Lakhisarai.

7. The petitioner, now, is directed to prefer an appeal before the District Magistrate, Lakhisarai (respondent no. 3) within a period of four weeks, who, on hearing the parties, ascertaining the facts and also affording hearing to all the stake-holders shall pass order in accordance with law within a further period of six weeks thereafter.

8. It is also made clear that should the District Magistrate, Lakhisarai decide that now under the new



guidelines of 2019, the matter be heard by the Divisional Commissioner, he shall remit the records of the case to the concerned Divisional Commissioner or shall ask the petitioner to prefer a revision before the Divisional Commissioner, who in that event shall be under an obligation to decide the same within a reasonable period of time by a reasoned order.

9. With the aforesaid direction/observation, the writ petition is disposed of.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
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