

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15546 of 2019

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Lakki Kumari, Aged about 22 years, Female, W/o Niraj Kumar Singh,
Vill./Mohalla and P.O.- Noawan, P.S.- Asthawan, Distt.- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. Principal Secretary, Welfare Department, Govt. of Bihar, Patna.
3. Principal Secretary, Social Human Resources Development Department,
Govt. of Bihar, Patna.
4. Director, Welfare Department, Bihar, Patna.
5. District Magistrate, Nalanda at Bihar Sharif.
6. District Programme Officer, Nalanda at Bihar Sharif.
7. Child Development Project Officer, Asthawan, Nalanda.
8. Child Development Project Officer, Nagarnausa, Nalanda.
9. Annu Kumari, W/o Manish Kumar, Vill./Mohalla and P.O.- Noawan, P.S.-
Asthawan, Distt.- Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Pramod Kumar, Adv.
For the Respondent/s	:	Mr. S.K. Mandal, SC-3
		Ms. Neelam Kumari, AC to SC-3

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 06-08-2019

The petitioner has approached this Court against the order dated 09.03.2019 passed by respondent No. 6, the District Programme Officer, Nalanda at Bihar Sharif, whereby the complaint preferred on her behalf against the candidature of private respondent No. 9 for being selected as Aanganbari Sevika at the concerned Centre has been



rejected.

2. The occasion for the petitioner to file the aforesaid complaint before the District Programme Officer, Nalanda at Bihar Sharif arose, when she was placed at serial No. 2 in the merit list after private respondent No. 9. It is the claim of the petitioner that private respondent No. 9 is a minor and appears to have married after she made an application for being considered for appointment on the post of Aanganbari Sevika.

3. It has been submitted on behalf of the petitioner that the claim of private respondent No. 9 is also doubted for the reason that she would otherwise not come in the category of backward caste, which would be a necessary condition for being considered in an I.C.D.S. Centre, where the dominant population is of backward caste.

4. From the perusal of the order impugned in the present petition, it appears that the District Programme Officer, Nalanda at Bihar Sharif had the matter inquired by the female Supervisor as also by the C.D.P.O. and came to the conclusion that the objections of the petitioner with



respect to the candidature of private respondent No. 9 is misconceived and incorrect.

5. If the petitioner, in any manner, is aggrieved by the aforesaid order of the District Programme Officer, Nalanda at Bihar Sharif, she can approach the District Magistrate, Nalanda at Bihar Sharif, in appeal. The petitioner has actually filed an appeal before the Collector-Cum-District Magistrate, Nalanda at Bihar Sharif, but no action has been taken on the aforesaid appeal.

6. Since the appointment process is of the year when the guidelines of 2016 was operative, the Collector/District Magistrate is the second appellate authority. In that view of the matter, the District Magistrate, Nalanda at Bihar Sharif (respondent No. 5) is directed to dispose off the appeal preferred by the petitioner within a period of six weeks of the receipt of a reminder letter by the petitioner, which shall be filed within a period of one week from the date of passing of this order. In the reminder letter, a copy of this order shall be enclosed for the convenience of the concerned District Magistrate in deciding



the appeal.

7. It is also made clear that since new guidelines of 2019 is in place now, should the District Magistrate, Nalanda at Bihar Sharif be of the view that the matter be finally decided by the Divisional Commissioner, who is now the second appellate authority, it would be open for the concerned District Magistrate to either transmit the records of the case to the office of the Divisional Commissioner, Patna or ask the petitioner to prefer a representation afresh before the Divisional Commissioner. In either of the events, the Divisional Commissioner, Patna shall decide the issue and pass a reasoned order in accordance with law within a reasonable period of time.

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

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	08.08.2019
Transmission Date	N/A

