

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14966 of 2019

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Soni Khatoon, aged about 25 years, female, Wife of Rasheed Alam, Resident of Village and P.O. Badka Gaon, P.S. Trari and District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Education Department, Bihar, Patna.
2. Director, Education Department, Bihar, Patna.
3. District Magistrate, Bhojpur at Ara.
4. District Programme Officer, I.C.D.S., Bhojpur at Ara.
5. Mukhiya, Gram Panchayat, Badka Gram, Trari, Bhojpur- 802209.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mohammed Abu Haidar, Adv.
For the Respondent/s : Ms. Binita Singh (SC-28)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 30-07-2019

The claim of the petitioner for being appointed as Aanganbari Sevika at the concerned Centre was negated on the ground that her husband at the relevant time was a Ward Member of the *Panchayat*.

2. The learned counsel for the petitioner submits that an objection was raised with respect to the aforesaid



disqualification having been attached to the case of the petitioner as her husband had resigned from the post of Ward Member much before the selection process was over/completed and which resignation has been accepted.

3. The District Programme Officer, I.C.D.S., Bhojpur at Ara, who heard the matter, *vide* his order dated 19.01.2019 did not accede to the aforesaid request of the petitioner for being appointed as Aanganbari Sevika at the concerned Centre.

4. Against the aforesaid order of the District Programme Officer, Bhojpur at Ara, the petitioner has preferred an appeal before the District Magistrate, Bhojpur at Ara on 12.02.2019, which has yet not been disposed off.

5. Under the aforesaid circumstances, this Court directs the District Magistrate, Bhojpur at Ara (respondent No. 3) to dispose off the appeal of the petitioner by affording reasonable opportunity to her and other stakeholders.

6. It is also clarified that now the new guidelines of 2019 are in place, which mandates that against the order passed by the District Programme Officer of the I.C.D.S.



Centre in a district, the aggrieved person can prefer a revision before the Divisional Commissioner. Should the District Magistrate, Bhojpur at Ara is of the view that it would be better to send the case/appeal of the petitioner to be tested as revision before the Divisional Commissioner, he may transmit the records to the office of the Divisional Commissioner or ask the petitioner to approach the Divisional Commissioner in revision.

7. In either view of the matter, necessary order should be passed by the concerned respondent within a period of six weeks of the receipt/production of a copy of this order.

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

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
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