

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20876 of 2018

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Tetari Kumari, wife of Sharwan Kumar, resident of village – Raja Bigha, Post Office – Chitab Khurd, Police Station – Sherghati, District - Gaya

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Social Welfare Department, Government Education, Bihar, Patna
2. The Principal Secretary, Social Welfare Department, Government Education, Bihar, Patna
3. The Director, Social Welfare Department, Government Education, Bihar, Patna
4. The District, ICDS, Bihar, Patna
5. The Commissioner, Magadh Division, Gaya
6. The District Magistrate, Gaya
7. The Deputy Director, Social Welfare, Magadh Division, Gaya
8. The District Programme Officer, Gaya
9. Sandhya Kumari, Wife of Arjun Ravidas, resident of Village – Raja Bigha, Post Office – Chitab Khurd, Police Station – Sherghati, District - Gaya

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Binod Kumar Advocate
For the Respondent/s	:	Mr. Gyan Prakash Ojha GA-7

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 18-02-2019

Heard the learned counsel for the petitioner and the State.

The petitioner is aggrieved by the order dated 15.09.2018 contained in Memo No. 1885, passed in Anganwari Case No. 10 of 2018 by the District Programme Officer, Gaya, whereby after cancelling the appointment of the petitioner as



Anganwari Sevika, the private respondent no. 9 has been directed to function in her place.

Learned counsel for the petitioner has pointed out that pursuant to an advertisement issued in the year 2017 for selection of Anganwari Sevika / Anganwari Sahayika, the petitioner applied and was adjudged the best candidate. She was appointed as Anganwari Sevika in the concerned Block. However, private respondent no. 9, being aggrieved by such appointment, approached this Court vide C.W.J.C. No. 8714 of 2018 in which a Bench of this Court directed the private respondent no. 9 to approach the District Programme Officer, Gaya with her complaint / representation and a direction was issued that on receipt of such representation, the same be disposed off within a stipulated time-frame. With the aforesaid observation given by this Court in C.W.J.C. No. 8714 of 2018, the parties were heard by the District Programme Officer, Gaya and the appointment of the petitioner by the impugned order was cancelled and in her place, the complainant / private respondent no. 9 was directed to be appointed or function as Anganwari Sevika in place of the petitioner.



Learned counsel for the petitioner has submitted that at the first instance, the order can be faulted on the ground that though notices were given to her but she was never given any opportunity of being heard. The other ground of assail is that private respondent no. 9 had not even applied for the post of Anganwari Sevika but only later made a representation before C.D.P.O., Sherghati that out of inadvertence, she had applied for the post of Anganwari Sahaika when in fact she intended to be an applicant for the post of Anganwari Sevika. The further ground of challenge is that the order passed by District Programme Officer, Gaya is based on conjectures, without there being any definite proof of the fact that there was any reason for doubting the placement of the petitioner as the first candidate in the merit list.

However, this Court notices that against the order passed by the District Programme Officer, Gaya, the petitioner has directly approached this Court by-passing the first Appellate Authority, i.e., the Collector of the district.

Under the aforesaid circumstances, the petitioner is directed to file an appeal / representation before the District



Magistrate-cum-Collector, Gaya, detailing her grievances and citing reasons for the order passed by the District Programme Officer, Gaya to be unsustainable in the eyes of law, within a period of four weeks from today. On receipt of such representation, the same shall be disposed off by the District Magistrate, Gaya within a further period of four weeks thereafter by a reasoned order.

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

(Ashutosh Kumar, J)

skm/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	22.02.2019
Transmission Date	

