

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.23207 of 2013**

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Rekha Devi W/o Sri Raj Kumar Mahto, Resident Of Village- Cheraiya  
Rahika, Chanka Mandir Tola, Ward No. 9, P.S- Nagar, District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Divisional Commissioner, Purnea Division, Purnea.
3. The Regional Development Officer, Purnea
4. The District Magistrate, Purnea
5. The Child Development Project Officer, Sri Nagar, Purnea.
6. Rita Devi W/o Sri Bhupendra Mahto, Resident Of Village- Cheraiya, Rahika  
Ward No. 10, P.S- K. Nagar, District- Purnea.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : M/s Dilip Kumar Tiwary and Amit Kr. Anand  
For the Respondent/s : Mr.Arvind Kumar Sinha, AC to SC 14  
Mr. Sanjeev Kr. Mishra, Adv.

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**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**  
**ORAL ORDER**

2      03-04-2019                      Heard learned counsel for the petitioner and learned  
counsel for the State.

In this case, the petitioner is challenging the order  
dated 10.10.2013 (Annexure-9) passed in Misc. Appeal No. 88  
of 2013 by which the appeal of the petitioner has been rejected.

The learned counsel for the petitioner submits that the  
order passed by the Regional Development Officer, Purnea is  
*non est* and is not sustainable on two counts. First, he is not an  
Appellate Authority under the Scheme to hear the matter with  
regard to service dispute of Anganwari Sevika and second point



has been taken that without giving any notice, the order has been passed and there is no denial from the side of the private respondent.

In such view of the matter, the authority, who has passed the order, has not been authorized by law to deal the service appeal of Anganwari Sevika and pass order as well as the order having been passed without giving any opportunity of hearing to the petitioner and accordingly the order dated 10.10.2013 (Annexure-9) passed in Misc. Appeal No. 88 of 2013 is hereby set aside and the matter is remanded back to the Divisional Commissioner, Purnea Division, who will be obliged to hear both sides after giving due notice and decide the case in accordance with law within a period of three months from the date of receipt/production of a copy of this order.

With the above direction, this petition is allowed.

**(Shivaji Pandey, J)**

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