

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19551 of 2019

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Usha Kumari, W/o Ashok Kumar Yadav, Resident of Village- Humannagar,
Ward No. 3, P.S. Sonbarsa, Distt. Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Government of Bihar, Patna.
2. The Director, I.C.D.S., Bihar, Patna.
3. The District Magistrate, Sitamarhi, District- Sitamarhi.
4. The District Program Officer, Sitamarhi, District- Sitamarhi.
5. The Child Development Project Officer, Sonbarsa Block, Distt. Sitamarhi.
6. Lady Supervisor Sector No. 6, Block Sonbarsa District- Sitamarhi.
7. Anita Yadav, W/o Hidyannarayan Yadav, Resident of Village- Hanuman Nagar, P.O. Panchayat Pipara Parsain, Block- Sonbarsa, Distt. Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mahendra Thakur, Advocate
		Mr. Sanjay Kumar, Advocate
For the Respondent/s	:	Mr. Binay Kumar, AC to SC-10

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 07-11-2019 Heard learned counsel for the parties.

2. Petitioner has questioned the correctness of an order dated 15.07.2019, passed by the District Magistrate, Sitamarhi in *Anganwari* Appeal Case No. 53 of 2018 which was preferred by respondent no. 7, whereby he has set aside letter No. 310 dated 03.10.2017 and letter No. 107 dated 30.03.2018 issued by the Child Development Project Officer, Sonbarsa Block whereby respondent no. 5 had shifted *Anganwari* Centre No. 182 situate in Ward No. 4 in Pipra Parsain Panchayat of



Sonbarsa Block of Sitamarhi district to Ward No. 3 in the same panchayat.

3. Assailing the impugned order, learned counsel appearing on behalf of the petitioner has submitted that it has been passed without giving the petitioner an opportunity of being heard and she was not made even a party in the said appeal. It is the petitioner's case that respondent no. 7 has been working in *Anganwari* Centre No. 182 since 2003. Ward No. 4, it is being contended, is mainly populated by *Mahadalits* and Centre No. 182 was for *Mahadalit* people, despite the fact that Centre No. 182 and ward No. 3 is for *Mahadalit* people though population of *Mahadalits* is negligent. It has been stated in the writ petition that in the aforesaid background, the respondent no. 5 through letter no. 310 dated 03.10.2017 had rightly shifted Centre No. 182 in Ward No. 4 of Pipra Parsain Panchayat and had thus created a new *Anganwari* Centre No. 182 in Ward No. 4, which, according to him, was the correct decision. The impugned order of the District Magistrate upsetting the decision of CDPO is unsustainable in the aforesaid background, learned counsel for the petitioner argues.

4. The nature of complaint, which was there before the appellate authority i.e. District Magistrate, Sitamarhi being



in respect of shifting of *Anganwari* Centre, petitioner could not be said to be a necessary party who was required to be heard by the District Magistrate in the said proceeding. The District Magistrate, Sitamarh, after having noticed the discrepancy in the decision of the CDPO (respondent no. 5) has passed the impugned order dated 15.07.2019. The District Magistrate has assigned reasons for interfering with the decision of the CDPO with reference to the orders passed by the Welfare Department dated 16.02.2012 and 09.03.2017 which required that the *Anganwari* Centres of such wards, largely populated by *Mahadalit/ Dalit*, Scheduled Caste/ Scheduled Tribe persons should not be shifted.

5. Learned counsel for the petitioner has not been able to point out any infirmity in the said order of the District Magistrate which has mainly taken note of the directives/ guidelines issued by the department as the basis for interfering with the decision of the CDPO. The order does not require interference.

6. This application has no merit. It is accordingly dismissed.

(Chakradhari Sharan Singh, J)

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