

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20060 of 2019

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Raushan Bano, Wife of Md. Jahangir Alam, Village- Tribhubani, Ward No.- 01, Gram Panchayat- Sohara, P.S.- Krishnagarh, Block- Barhara, District- Bhojpur, Bihar, Pin- 802316.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Child Development Officer, Block- Barhara, Bhojpur.
3. The District Magistrate, Bhojpur.
4. The Supervisor of C.D.P.O. Block Bashra, Bhojpur.
5. The District Programme Officer, I.C.D.S., Bhojpur.
6. Sakina Khatoon, Wife of Firoj Ansari @ Firoj Alam, Resident of Village- Bihiya, Shahpur, Block- Bihiya, Bhojpur, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Satish Agrawal, Advocate Mr. Shankar Dayal Singh, Advocate
For the Respondent/s	:	Mr. Raisul Haque, S.C. 10. Mr. Binay Kumar, A.C. to SC. 10.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date : 15-11-2019

Heard learned counsel for the parties.

2. Questioning selection of respondent No. 6 as *Anganbari Sevika* of Ward No. 01 of *Gram Panchayat* Sohara, in the District of Bhojpur, the petitioner had filed an application before the District Programme Officer (ICDS), Bhojpur, Ara, which came to be rejected by an order dated 30.04.2019 (Annexure-8). The petitioner has put to challenge the said order of the District Programme Officer, in the present case. In the impugned order dated 30.04.2019 it has been indicated that the



petitioner could prefer an appeal before the District Magistrate, Bhojpur, against the said order. It transpires from the pleadings on record that no appeal has been preferred against the said order dated 30.04.2019.

3. Learned counsel appearing on behalf of the petitioner has submitted that the petitioner had sent a representation to the District Magistrate, Bhojpur, in respect of the selection process in question, and she, out of misconception, presumed her said representation to be an appeal. I have perused the said representation which has been brought on record by way of Annexure-7A to the writ application. The said representation cannot be treated to be an appeal against the impugned order dated 30.04.2019.

4. Considering the facts and circumstances, this application is disposed of with an observation that the petitioner will be at liberty to prefer an appeal against the said order dated 30.04.2019 passed by the District Programme Officer. If such appeal is preferred within one month from today, the appellate authority shall not refuse to consider petitioner's appeal on the ground of delay, as apparently it appears that the petitioner was pursuing his remedy before this Court against the impugned



order by filing present writ application. The appellate authority shall decide the petitioner’s case on merit.

5. It is made clear that I have not gone into the merit of grounds taken in the writ application to question the legality of selection of private respondent No. 6 as *Anganbari Sevika*.

(Chakradhari Sharan Singh, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	18/11/2019
Transmission Date	N.A.

