

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24065 of 2019

=====

Pushpa Devi, aged about 39 years, female, Wife of Pintu Ram, resident of Village- Sahar Tola, Post - Sahar, Sahar, P.S. Sahar, Dist- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Bhojpur at Ara.
2. The District Program Officer, Bhojpur at Ara.
3. The Child Development Officer, Sahar Bhojpur.
4. The Block Development Officer, Sahar Bhojpur.
5. Asha Kumari, Wife of Shree Vinod Prasad, resident of Village- Sahar, P.S. Sahar, Dist.- Bhojpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner	:	Mr. Manoj Kumar, Advocate
For the State	:	Mr. S.K. Mandal, S.C.3
		Mr. Bipin Kumar, A.C. to S.C.3
		Mr. Ravi Ranjan Kumar Singh, A.C. to S.C.3

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 17-12-2019 Heard Mr. Manoj Kumar, the learned counsel appearing on behalf of the petitioner and the learned counsel for the State.

The petitioner being aggrieved by the order dated 02.02.2019, passed by the District Program Officer, I.C.D.S., Bhojpur in Case No.12/2014-15, filed this writ petition to quash the order and direct the respondents to make fresh appointment of Anganwari Sevika in accordance with law after setting aside the selection of respondent no.5. According to the directives relative to the selection of Anganwari Sevika and Sahayika, there is a provision that the person aggrieved of the selection process may file petition firstly before the C.D.P.O. thereafter before the



District Program Officer, I.C.D.S. and the appeal lies before the Collector but after May, 2019, the appellate authority is the Commissioner. The petitioner without exhausting efficacious and alternative remedy of appeal filed this writ petition against the order of the District Program Officer, Bhojpur at Ara rejecting the petition of the petitioner for her appointment after cancelling the selection of respondent no.5.

After some arguments, learned counsel for the petitioner seeks permission to withdraw this writ petition to avail the alternative remedy by way of appeal before the Commissioner.

Prayer is allowed.

The writ petition is disposed of as withdrawn with liberty to the petitioner to present the appeal before the Commissioner within two months from the date of receipt of this order and on such the Commissioner shall hear both the parties and dispose of the appeal in accordance with law without unsuiting the petitioner on the point of limitation.

(Prabhat Kumar Jha, J)

S.KUMAR/-

U			
---	--	--	--

