

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2611 of 2020

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Nipu Kumari wife of Jaishankar Kumar resident of Village- Nonar, Police Station- Piro, District- Bhojpur.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Child Welfare Department, Government of Bihar, Patna.
2. The District Magistrate, Bhojpur.
3. The District Programme Officer, Bhojpur.
4. The Supervisor Anganwadi Ward No. 2, Nonar Panchayat Bhojpur.
5. Smt. Shivratri Devi wife of Manoj Paswan Resident of Village- Nonar Ward No. 2, Police Station- Piro, District- Bhojpur.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. S.R.P.Sinha, Sr. Advocate
		Mr. Mrigendra Pratap Singh
For the Respondent/s	:	Mr. Asit Kumar Jha, AC to (Gp2)

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 25-02-2020 Petitioner's Counsel is permitted to implead the Commissioner, Patna Division, Patna as respondent No. 6.

Petitioner has assailed selection of respondent No. 5 as Anganwari Sevika for Ward No. 2 at Center No. 17 at Nonar Panchayat in the district of Bhojpur. The selection of respondent No. 5 was assailed before the District Programme Officer who has cancelled the selection of respondent No. 5, however he has directed to proceed afresh for selection.

Learned Senior Counsel representing the petitioner has submitted that the petitioner was wrongly deprived being the only eligible candidate as the place of *Aam Sabha* was wrongly fixed in Ward No. 7 though selection was being made for Ward No. 2. in view of this fact, in stead of directing selection process afresh the authorities should have allowed the petitioner to be selected as she was the only eligible candidate in the process of selection.



The submissions advanced by the learned Senior Counsel are to be considered in the background of the fact that the petitioner has already availed remedy before the District Magistrate by making her application, copy of which is Annexure 3 to the writ petition. Since the issue is now pending before the District Magistrate who is not the competent authority under the amended guidelines this Court would observe that interest of justice would be served if the application is forwarded to the Commissioner Patna Division for consideration as under the guidelines amended with effect from 25.7.2019 the Commissioner has the jurisdiction to hear appeal against the order passed by the District Programme Officer.

Let the records be transmitted by respondent No. 2 to respondent No. 6 within two weeks from the date of receipt/production of a copy of this order. The petitioner will appear before respondent No. 6 on or before 24.3.2020. Respondent No. 6 should thereafter proceed to consider petitioner's claim in accordance with law after hearing the parties.

The writ application is disposed of with the aforesaid direction.

(Madhuresh Prasad, J)

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