

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22664 of 2019

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Rina Kunwar W/o Late Ashok Ram Resident of Village- Ghura Nand, P.S.-
Nabinagar, Distt.- Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Social Welfare Department, Bihar, Patna
2. The Director, Department of Integrated Child Development, Bihar, Patna
3. The Secretary Department of Integrated Child Development, Bihar, Patna
4. The District Magistrate Aurangabad
5. The Addl. Collector Aurangabad
6. The S.D.O. Aurangabad
7. The District Program Officer Department of Integrated Child Development, Aurangabad
8. The District Welfare Officer Aurangabad
9. The Child Development Project Officer Nabinagar, Aurangabad
10. The Commissioner, Magadh Division, Gaya

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms Rupa Kumari with Mr. Yugal Kishore, Advts
For the Respondent/s : Mr.Prasant Pratap GP-2

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 21-01-2020

Heard learned counsel for the petitioner and learned G.P.-

2 for the State-respondent.

Learned counsel for petitioner is permitted to implead the
the Commissioner, Magadh Division, Gaya, as Respondent
No.10 to the instant writ application during course of the day.

The petitioner's complaint is that her *Anganwari* Appeal
No. 09 of 2019 has been rejected by the District Magistrate,



Aurangabad (Respondent No.4) as the said Authority realized the same was admitted by mistake in view of the fact that, in the meantime, the Commissioner became the Competent Appellate Authority under the *Anganwari* guidelines.

The petitioner's counsel submits that the appeal of the petitioner has, therefore, not been considered and she has been deprived of her opportunity of appeal provided under the guidelines due to an inadvertence on the part of District Magistrate, *Aurangabad* (Respondent No.4).

Learned counsel for State submits that since competing candidates, including the petitioner were found to be ineligible, her selection as *Anganwari Sevika* has rightly been cancelled.

The issue is whether the *Anganwari* Appeal of the petitioner is required to be considered by the Competent Authority or not. The answer can only be in the affirmative. Since the provisions of the appeal has been prescribed in the *Anganwari* guidelines, the petitioner's *Anganwari* Appeal no. 9 of 2019 (Annexure-5) was required to be considered by the Competent Authority.

Since the admitted position is that now the Competent Authority for considering the appeal is the 'Commissioner', this Court would allow the petitioner an opportunity to file her



appeal before the Commissioner, Magadh Division, Gaya (Respondent No.10) within a period of four (04) weeks from today. If such an appeal is filed, the Commissioner shall consider the same in accordance with law without raising the same being barred by delay. While considering the appeal of the petitioner, the order dated 26.07.2019 passed by the Respondent No.4 shall not stand in the way of such consideration.

The writ application is allowed with the aforesaid directions/observations.

(Madhuresh Prasad, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	29.1.2020
Transmission Date	N/A

