

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.813 of 2019

=====

Asha Devi W/o Sri Sanjay Singh Resident of Village-Padauli (Dhobi Tola)
Ward No.6,Police Station-Basantpur,Dist.-Siwan

... .. Petitioner.

Versus

1. The State Of Bihar through the Principal Secretary,Social Welfare Department,Patna
2. The Principal Secretary, Social Welfare Department,Govt. of Bihar,Patna
3. The Collector-cum-District Magistrate, Siwan
4. The District Programme Officer, Social Welfare Department,Patna
5. The Child Development Project Officer, Lakari Nabiganj Block,Dist.-Siwan
6. The Mukhiya,Gram Panchayat Raj Padauli, Lakari Nabiganj Block,Dist.-Siwan
7. The Panchayat Secretary, Gram Panchayat Raj Padauli,Lakari Nabiganj Block,Dist.-Siwan
8. The Lady Supervisor, Child Development Project,Lakari Nabiganj Block,Dist.-Siwan
9. Kumud Devi W/o Sri Anirudh Singh Resident of Village-Padauli (Dhobi Tola) Ward No.5,Police Station-Basantpur,Dist.-Siwan

... .. Respondents.

=====

Appearance :

For the Petitioner	:	Mr. Gyan Prakash, Advocate.
For the State	:	Mr. Gyan Prakash Ojha, GA-7
		Mr. Sushil Kumar Singh, AC to GA-7
For the respondent no.9	:	Mr. Ranavikdram Singh, Advocate.
		Mr. Nagdeo Choubey, Advocate.

=====

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

7 25-02-2021 Heard learned counsel for the petitioner, learned

counsel for the respondent no.9 and learned counsel for the

State.

By way of filing the present writ petition, the

petitioner seeks following reliefs:

*I. For issuance of appropriate writ
(s)/order (s)/direction (s) for quashing*



the order dated 28.09.2018 passed by the Collector, Siwan in Anganwadi Case No.78/2018-19 cancelling the petitioner's selection as Anganwadi Sevika in the year, 2007 by travelling beyond the direction given by this Hon'ble Court on 01.08.2018 in C.W.J.C. No.7449 of 2013 with regard to presence of a candidate in Aam Sabha for selection of Anganwadi Sevika is required or not? but contrarily it is held that names of respondent no.9 and her family members were not included in Mapping Panji prepared for Anganwadi Centre No.63 of Lakari Nabiganj Block, Siwan in the year, 2006 though this Mapping Panji has never been challenged by anyone including the respondent no.9.

II. For holding that the report of the Child Development Project Officer, Lakari Nabiganj, Siwan as contained in letter no.246 dated 28.09.2018 is not sustainable as it is unwarranted, against the concluded proceeding of preparation of Mapping Panji under supervision of his Predecessor Child Development Project Officer, not based on any documentary proof and in gross violation of natural justice but merely based on this report learned Collector, Siwan decided the issue and more strangely this report has submitted to the Collector on 28.09.2018 after conclusion of the argument the judgment has reserved having no opportunity to the petitioner to rebut it.

III. For holding that there was no illegality committed in petitioner's selection as Anganwadi Sevika on 03.04.2007 and since then she is working without being any complain by any beneficiary or officials and



undergone to various required training.

IV. For any other reliefs for which the petitioner be found entitled to in the facts of the case.

At the very outset, learned counsel for the State very fairly submits that against the order of Collector there is provision of appeal but the petitioner, without availing this remedy, has straightway come to this Court.

Having heard learned counsel for the petitioner and respondent no.9, it appears that there are disputed question of facts involved in this writ petition, which cannot be decided in this summary proceeding.

Accordingly, without going into the merits of the case, this writ petition is disposed of with a direction to the petitioner to file an appeal, against the order dated 28.09.2018 passed by the Collector, Siwan, before the Commissioner, Saran Range with a copy of this order and the learned Commissioner, after condoning the delay, if any, in preferring the appeal and after giving proper opportunity of hearing to both the parties, shall decide the same by a speaking and reasoned order within a period of two months from the date of filing of such appeal.

Learned counsel for the respondent no.9 undertakes to participate and cooperate in early conclusion of the proceedings before the learned Commissioner.



It is made clear that the learned Commissioner would be solely responsible for non-compliance of this order within the stipulated period, as aforesaid.

(Anjani Kumar Sharan, J)

Trivedi/-

U			
---	--	--	--

