

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6189 of 2021

1. Jitu Prasad Son of Late Budhan Jamadar Resident of village- Bishunpur, P.O.- Habbipur, PSs.- Ekangarsarai, District- Nalanda
2. Shobha Kumari Wife of Sri Dilip Kumar Resident of village- Bishunpur, P.O.- Habbipur, P.S.- Ekangarsarai, District- Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social and Welfare Department, Bihar, Patna
2. The District Magistrate, Nalanda at Biharsharif
3. The District Public Grievance Redressal Officer cum the District Programme Officer I.C.D.S., Nalanda at Biharsharif
4. The Child development Project Officer, Ekangarsarai, P.S.- Ekangarsarai, District- Nalanda
5. The Ladies Supervisor cum Member (Selection Committee) Panchayat Oap, Tola- Bishunpur, Block and P.S.- Ekangarsarai, District- Nalanda
6. Atisundari Devi Wife of Mishu Kumar Resident of village- Bishunpur, P.O.- Habbipur, P.S.- Eakangarsarai, District- Nalanda

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ram Nibash, Advocate
For the State : Mr. S.D.Yadav AAG 10

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 29-04-2021

Heard learned counsel for the petitioners and learned counsel for the respondents through video conference. Learned counsel for the petitioners has filed an undertaking that all defects pointed out by the stamp reporter shall be removed, and compliance with the conditions of the notices of this Court with regard to acceptance of e-filing shall be made, without delay immediately upon resumption of normal physical functioning of the Court, and in any event within one month thereof.

2. The present writ petition has been filed for the following reliefs as formulated by the petitioners--

(i) Issuance of an appropriate



order/direction/writ in the nature of certiorari quashing order dated 26.12.2018 passed in Complaint Case No.01 of 2018 issued vide Memo No.1261 by the Respondent NO-3 the District Public Grievance Redressal Officer-cum-the District Programme Officer, Nalanda at Bihasharif, whereby and where under the learned court has been pleased to appoint the Respondent NO-6 on the post of Aganbari Sevika violated the Rule-5 of the Aganbari Sevika/Sahayika, Margdarshika, 2016 where in Rule-5 it has been held that the candidate and her father in law should be in the same ward where anyone is happened to be appointed. Here, the Respondent NO-3 was said to have appointed the Respondent No.6 on the post of Aganbari Sevika in Ward No.10, despite the fact that the Respondent No.4 are happened to be in Ward No.8 and the same may be perused from the voter list.

(ii) Issuance of an appropriate order/direction/writ commanding upon the Respondent No.2 the District Magistrate, Nalanda at Biharsharif to dispose of the Appeal Case No _____ / of 2019 expeditiously, which was filed on 24.01.2019 and since then the appeal is pending before the Respondent No-2 and till today the case number has not been allotted in this appeal.

(iii) Any other relief/reliefs for which, the



petitioners are entitled to in the facts and circumstances of the case.”

3. Learned counsel for the petitioners submits that the respondent no.6 has illegally been appointed on the post of Aganbari Sevika, in violation of Rule 5 of the *Margdarshika*, 2016. It is stated that the petitioner filed Complaint No. 01 of 2018 (Annexure-10) before District Public Grievance Redressal Officer-cum the District Programme Officer I.C.D.S. Nalanda at Biharsharif (respondent no.3) which was however dismissed by order dated 26.12.2018. Thereafter the petitioner filed an appeal before District Magistrate, Nalanda at Biharsharif on 24.01.2019 (Annexure-11), but the same remains pending.

4. Learned counsel for the State appears and has been heard. Considering the nature of the order proposed to be passed, it is not necessary to issue notice to respondent no.6.

5. Having regard to the nature of grievance of the petitioner, this Court is of the view that the ends of justice will be met by directing the District Magistrate, Nalanda at Biharsharif (respondent no.2) to consider and dispose of the petitioner's appeal, if still pending, on its own merits and in accordance with law after grant of opportunity of hearing to the petitioner, expeditiously and in any event within a period of



three months from the date of receipt/production of a copy of this judgment. To facilitate disposal, the petitioner shall furnish his mobile number and email ID to the District Magistrate, Nalanda at Biharsharif (respondent no. 2) within a week from today.

6. It is made clear that in view of the ongoing Covid-19 pandemic, any correspondence between the parties may be made through email and the petitioner shall be at liberty to request for hearing through video conference.

7. The writ petition stands disposed of with the aforesaid directions.

8. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioner within the stipulated time provided in para 1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Vikash Jain, J)

HR/-

AFR/NAFR	NAFR
CAV DATE	--
Uploading Date	30. 04.2021
Transmission Date	--

