

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6719 of 2021

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Nilu Kumari @ Nilu Devi Wife of Bittu Kumar Rai Resident of Village-
Jamuaon, Police Station- Piro Jamuaon, District- Bhojpur, Pin- 802159.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Bihar, Patna.
2. The Principal Secretary, Social Welfare Department, Bihar, Patna.
3. The Commissioner, Patna Division, Patna.
4. The District Magistrate, Bhojpur, Ara.
5. The District Programme Officer, ICDS, Bhojpur, Ara.
6. The Sub-Divisional Officer, Piro, Bhojpur.
7. The Civil Surgeon-cum-Chief Medical Officer, Bhojpur, Arra.
8. The Child Development Project Officer, Piro, Bhojpur.
9. Block Development Officer, Piro, Bhojpur, Arra.
10. The Panchayat Secretary, Jamuaon, Ward No.-7, Block- Piro, District- Bhojpur.
11. Malti Pathak Wife of Sri Shiv Mangal Pathak Resident of Village and Panchayat- Jamuaon, Ward No.-7, Block- Piro, District- Bhojpur, Arra.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar
For the Respondent/s : Mr.Lalit Kishore (Ag)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

ORAL JUDGMENT

Date : 08-02-2022

This matters heard via video conferencing due to
circumstances prevailing on account of COVID-19 Pandemic.

2. State counsel accepts notice for respondent nos. 1
to 10.

3. Service of notice to respondent no.11 is dispensed
with since no adverse order has been passed against her.



4. Petitioner's counsel is hereby directed to serve a copy of the petition to the counsel for the State.

5. In the instant petition, the petitioner has prayed for the following reliefs:

“For issuance of an appropriate writ/writs, order/orders, direction/directions towards quashing the Memo No. 239 dated 11.2.2020, whereby the District Programme Officer, ICDS, Bhojpur (Respondent No. 5) has rejected the complaint filed by the petitioner and relying upon the fake/wrong report of Civil Surgeon-cum-Chief Medical Officer, Bhojpur, Ara, which has been done without proper mark of identification (vide letter no. 332 dated 29.01.2020) and assuming the date of birth mentioned in the Educational Certificate as 10.3.1992 of one Malti Pathak (Respondent No.11) directed the Child Development Officer, Piro, Bhojpur to issue selection letter to Malti Pathak (Respondent No.11), which is completely wrong and impugned as the Medical Examination has been done without proper mark of identification/Video recording/Photo or in presence of the petitioner and thus the said Medical Report in collusion with the Private Respondent No.11, whereas the petitioner is possessed with all eligibility but tried to be deprived under partiality and hence the petitioner



is required to be selected as Aanganwadi Sewika after ascertaining the real eligibility of both the petitioner and Respondent No.11. Further for relief/reliefs for which the petitioner is entitle under the facts and circumstances of the case.

6. The petitioner has already invoked the remedy of appeal before the competent authority in Appeal No. 82 of 2021. Therefore, the Appellate Authority is hereby directed to consider and decide the petitioner’s appeal no. 82 of 2021 within a period of three months from the date of receipt of this order after providing opportunity of hearing to the petitioner and respondent no.11, Malti Pathak.

7. With the aforesaid, the writ application stands disposed of.

(P. B. Bajanthri, J)

Ravi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.02.2022
Transmission Date	NA

