

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16583 of 2018

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Rekha Kumari, W/o Sri Santosh Kumar Singh, R/o Village-Shahnagar
(Ranabigha), P.O. Ranabigha, P.S. Barh, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Family & Social Welfare Department, Govt. of Bihar, Patna.
2. The Commissioner, Patna Division, Patna.
3. The District Magistrate, Patna.
4. The District Programme Officer, Patna.
5. The Child Development project Officer, Barh, Patna.
6. Aparna Kumari, W/o Sri Ravi Shankar Tiwari, R/o Village-Ranabigha, P.O. Ranabigha, P.S. Barh, District-Patna.

... .. Respondent/s

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Appearance :

For the Petitioner : Mr.Premchandra Yadav, Advocate
For the State : Mr.Rajesh Kumar, AC to G.P.-3

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 18-10-2022 The specific averment of the petitioner in the writ petition is that she has filed Aaganwari Appeal No.18 of 2017 on 18.12.2017 before the District Magistrate assailing the order of the District Programme Officer dated 30.12.2016, but till now order has not been passed on the petitioner's pending appeal. This fact is not denied or disputed in the counter affidavit filed on behalf of the respondents.

In the circumstance, this Court would observe that
if Aaganwari Appeal No.18 of 2017, which was filed under



Clause 13 of the 2016 Guidelines for selection of Aaganwari Savika/Sahayika, has been kept pending, then in view of coming into force of the 2019 Guidelines for selection of Aaganwari Savika/Sahayika with effect from 27.05.2019, the District Magistrate now is not a competent authority to consider the appeal against the order passed by the District Programme Officer. The competent authority for considering appeal/revision under the 2019 Guidelines is the Divisional Commissioner.

The Court would thus direct that the appeal, if pending, be forwarded to the Divisional Commissioner (Respondent No.2) within four weeks from the date of receipt/production of a copy of this order before Respondent No.3.

The petitioner's appeal is required to be considered on merits, without raising the issue of delay in terms of the 2019 Guidelines, since the authorities themselves are responsible for keeping the matter pending for years together. Let final order be passed by the Respondent No.2 after hearing the concerned parties and in accordance with law expeditiously, without any undue delay or unnecessary adjournments, preferably within three months thereafter.



Writ petition stands disposed of with the directions
as above.

(Madhuresh Prasad, J)

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