

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6492 of 2020

Phool Kumari, Wife of Jai Kumar Ram, Resident of Ward No. 09, Sunderpur,
Majhauwan, Bagmajhauan, P.S.-Koilar, District-Bhojpur at Ara.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Social Welfare Department,
Government of Bihar, Patna.
2. The District Magistrate cum Collector, Bhojpur at Ara.
3. The District Programme Officer, Bhojpur, Ara.
4. The Child Development Project Officer, Koilar Block, District-Bhojpur,
Ara.
5. The Headmaster, Ambika Saran Singh High School, Jamalpur, Bhojpur, Ara.
6. Meena Devi, Wife of Ashok Kumar, Resident of Village-Mathurapur, P.S.-
Koilar, District-Bhojpur, Ara.
7. The Commissioner, Patna Division, Patna.

... .. Respondent/s

Appearance :

For the Petitioner	:	Mr.Arun Kumar No.1, Advocate
For the State	:	Mr.Prashant Pratap, G.P.-2
		Mr. Lala S.N. Ravi, A.C. to G.P.-2
For Respondent No.6	:	Mr. Rishikesh Ojha, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

8 06-09-2022 As prayed by the petitioner's counsel, the Divisional
Commissioner, Patna is impleaded as Respondent No.7.

In view of the provisions contained in Anganwari
Sevika/Sahayika Selection Guidelines 2019, applicable with
effect from 27.05.2019, thereafter the order of the District
Programme Officer dated 19.01.2018 in the pending appeal was
required to be considered by the Divisional Commissioner.
However, the Collector, Bhojpur, on 19.11.2019 has passed
orders against the order of the District Programme Officer dated



19.01.2018.

The parties are in agreement that the order dated 19.11.2019 is without jurisdiction since in view of the 2019 Guidelines, after 27.05.2019 appeal against the order of the District Programme Officer was required to be considered by the Divisional Commissioner, Patna.

The order dated 19.11.2019, admittedly, being without jurisdiction is, therefore, set aside. The petitioner is permitted to file her appeal before the Divisional Commissioner, Patna for availing her remedy, in accordance with law.

Since the order of the Collector has been set aside as being without jurisdiction during pendency of the instant proceedings, the newly added Respondent No.7-Divisional Commissioner, Patna shall consider the petitioner's appeal on merits, after hearing the necessary parties, in accordance with law, if the appeal is preferred within four weeks.

Writ application stands disposed of.

(Madhuresh Prasad, J)

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