

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3036 of 2021

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Anita Kumari W/o Ranvir Kumar Resident of Village Darima Tola, Amadih,
Ward No.8, Post- Gadi, Bishanpur, P.S. Khaira, District- Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Government of Bihar, Patna.
3. The Director ICDS, Patna.
4. The District Magistrate, Jamui.
5. The District Programme Officer, Jamui.
6. The Child Development Project Officer, Jamui.
7. The Women Investigator, Gram Panchayat Raj, Arunmabank, P.S. Khaira and District Jamui.
8. Mr. Bhairo Yadav, Ward Member of Ward No.8 P.S. Khaira, District Jamui.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Sinha, Advocate
For the Respondent/s : Mr.Gyan Prakash Ojha, GA 7

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 29-01-2022

This matter is heard *via* video conferencing due to
circumstances prevailing on account of the COVID-19 Pandemic.

Service of notice to eighth respondent-Bhairo Yadav is
dispensed with since no adverse order is passed against him.

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

*“(i) For quashing the
impugned order as contained in
Memo No. 1852 dated 23/12/2019
passed by District Programme Officer
(ICDS), Jamui in Anganbari Case No.
5/2019 whereby and whereunder the
selection of the petitioner from the*



post of Anganbari Sevika of Centre No. 212, Bajrahi, Ward No. 8 has been cancelled without giving opportunity to the petitioner on an application filed by the ward member (Padayan Adhyakshya of the Selection Committee). Though the District Programme Officer (ICDS) has already decided the matter in question earlier in case no. 37/2017 by an order dated 19/02/2018 filed by three applicants Kiran Kumari, Kumari Suman and Bhairo Yadav (respondent no. 8) against which appeal no 2/2019 is still pending before the District Magistrate Jamui, Thus the present impugned order amounts to the review for which the District Programme Officer has no jurisdiction.

(ii) Further after quashing the impugned order the respondent CDPO Khaira may be directed to release the Poshaahar so, that the poor hungry children (beneficiary) may not be deprived from their feeds under the scheme.

(iii) To grant any other relief for which the petitioner is entitle to get in the eye of the law.”

Undisputedly, petitioner's appeal No. 02 of 2019 is yet to be decided by the appellate authority.

Therefore, the appellate authority is hereby directed to decide the petitioner's appeal after due hearing of petitioner and eighth respondent-Bhairo Yadav within a period of four months from the date of receipt of this order.



With the aforesaid observations, the present writ petition
stands disposed off.

(P. B. Bajanthri, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

