

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 20580 of 2019

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Asha Kumari W/o Gajendra Kumar Rai Resident of Village- Mahna Takth,
P.o.- Bisohi, P.s.- Bhagwanpur Hat, District- Siwan, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Govt. of Bihar, Patna
2. The Directorate I.C.D.S. Bihar, Patna
3. The District Magistrate District- Siwan
4. The District Programme Officer Siwan
5. Suganti Kumari W/o Vijendra Kumar Kushwaha Resident of Village- Mahua, Block and P.s.- Bhagwanpur Hat, District- Siwan
6. The Divisional Commissioner, Saran

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr Yogesh Chandra Verma, Sr Advocate with Mr Anuj Kumar, Advocate
For the S t a t e	:	Mr Prashant Pratap, GP II
For Respondent No 5	:	Mr Naresh Prasad, Advocate

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD
ORAL ORDER

4 **01-11-2022** Learned counsel for Respondent No 5 submits that he may be permitted to correct an error of inadvertence, whereby instead of 31 years, the age of Respondent No 5 has been wrongly printed as 61 years.

Learned counsel for Respondent No 5 is permitted to correct the said error during course of the day.

Learned counsel for the petitioner is permitted to implead the Divisional Commissioner, Saran Division as Respondent No 6 to this writ petition.

Heard learned senior counsel for the petitioner and the respondents.



The parties are not disputing the fact that the 2019 Guidelines for selection of Angan Bari Sevika/Sahayika came into effect on 27.05.2019 specifically repealing the Guidelines of 2015 – 2016.

In view thereof, the District Magistrate, after 27.05.2019, was not the competent authority for taking a decision on petitioner's appeal. Under Clause 12 of the 2019 Guidelines, it was the newly added Respondent No 6 (Divisional Commissioner, Saran), who was the competent authority to consider and decide the appeal of the petitioner.

On this limited ground, the order of the Collector dated 12.07.2019, being without jurisdiction, is quashed.

The matter is remanded to the newly added Respondent No 6 for taking decision afresh.

The parties are in agreement to facilitate expeditious consideration of the appeal, they would appear before the Divisional Commissioner (Respondent No 6) on 28.11.2022.

This writ petition stands disposed of.

(Madhuresh Prasad, J)

M.E.H./-

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