

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24107 of 2019

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Daisy, wife of Md. Shamim, D/o Late Md. Zabbar, Resident of Village/Mohalla - Adarsa Road, Ganj Mohalla, P.O.+P.S.+District-Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Social Welfare Department, Patna.
2. The Director, I.C.D.S., Patna.
3. The District Magistrate, Aurangabad.
4. The District Programme Officer, Aurangabad.
5. The Child Development Project Officer, Aurangabad.
6. The Sub Divisional Officer, Aurangabad.
7. The Divisional Commissioner, Magadh Range, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner : Mr.Syed Asgher Najmi, Advocate
For the State : Mr.Gyan Shankar, AC to G.P.-2

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 15-11-2022 As prayed, petitioner's Counsel is permitted to implead the Divisional Commissioner, Magadh Division, Gaya as Respondent No.7.

After some arguments, the issue boils down to the consideration based on the Aganwadi Sevika/Sahayika Selection Guidelines of 2019, which came into effect on 27.05.2019. 2019 Guidelines clearly contemplates that earlier issued Guidelines of 2015 and 2016 stand repealed. Clause 12 of the 2019 Guidelines provides appeal/revision against the order of the District Programme Officer before the Divisional Commissioner. The petitioner, however, appears to have approached the District



Magistrate against the order dated 14.08.2019 passed by the District Programme Officer.

Being faced with such issue of jurisdiction, the petitioner's counsel submits that he would be assailing the order of the District Programme Officer dated 14.08.2019 before the Divisional Commissioner, Magadh Division, after impleading the selected candidate, as per averments made in the affidavits filed on behalf of the respondent-authorities. He, however, submits that on account of the delay, his appeal is likely to be met by the issue of limitation.

Since the petitioner was pursuing his remedy, but before the wrong forum and having regard to the pendency of the instant writ proceedings, this Court would observe that if the appeal is filed within three weeks, the newly added Respondent No.7-Divisional Commissioner, Magadh Division, Gaya shall consider the same, in accordance with law.

The order passed by the District Magistrate dated 11.10.2019 shall not stand in the way of such consideration.

Writ petition stands disposed of.

(Madhuresh Prasad, J)

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