

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20632 of 2018

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Rekha Devi, wife of Umesh Ray, Resident of Village-Bijdhari, P.S.- Kesariya,
District- East Champaran (Motihari).

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Social Welfare Department,
Govt. of Bihar, Patna.
2. The Director, I.C.D.S., Bihar, Patna.
3. The Assistant Director, I.C.D.S. Bihar, Patna.
4. The District Magistrate, East Champaran, Motihari.
5. The District Program Officer, East Champaran, Motihari
6. The Sub Divisional Officer, Chakia, East Champaran, Motihari
7. The Block Development Officer, Kesariya, District-East Champaran,
Motihari
8. The Child Development Program Officer, Kesariya, District-East
Champaran, Motihari
9. The Commissioner, Tirhut Division at Muzaffarpur

. ... Respondent/s

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Appearance :

For the Petitioner	:	Mr. Shivendra Kishore, Sr. Advocate Mr.Nafisuzzoha, Advocate
For the State	:	Mr. Md. Raisul Haque, S.C.10 Mr. Obaidullah, AC to S.C.10

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 29-11-2022 As prayed, petitioner's counsel is permitted to implead

the Divisional Commissioner, Tirhut Division as Respondent

No.9.

Mr. Shivendra Kishore, learned Senior Counsel

representing the petitioner submits that in view of the statement

made in paragraph 8 of the counter affidavit, the admitted

position that emerges is pendency of the petitioner's Appeal



Case No.11 of 2017 filed against the order dated 17.02.2017, whereby and whereunder the petitioner's selection as Sevika was terminated. It is submitted that non-adjudication by the appellate authority is now the grievance of the petitioner.

This Court would find that the affidavit containing such statement regarding pendency of the appeal was filed in April, 2019. The 2019 Guidelines for Selection of Anganwari Sevika and Sahayika have come into force with effect from 27.05.2019. Clause 12 of the 2019 Guidelines provides remedy of appeal/revision before the Divisional Commissioner. The said Guidelines specifically repeal the earlier Guidelines of 2015 and 2016.

In view of this position, this Court would observe that if the petitioner's appeal has not been disposed of, then the same is required to be transmitted to the court of the Commissioner, Tirhut Division for adjudication. If the petitioner approaches the District Magistrate (Respondent No.4), along with a copy of this order within two weeks, this Court directs that he shall transmit the records, if the appeal has not been finally decided, to the Commissioner, Tirhut Division within another two weeks, for consideration and decision by a reasoned and speaking order, in accordance with law.



Writ application is, accordingly, disposed of.

(Madhuresh Prasad, J)

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