

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3074 of 2023

Nitu Tiwari @ Km. Nitu (F) Wife of Shri Rajeev Kumar Resident of Village-
Thakaraha, Bajari Tola, Ward No.- 03, Post Office- Thakaraha, Police Station-
Thakaraha, District- West Champaran (Bettiah).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Welfare Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Welfare Department, Govt. of Bihar, Patna.
3. The Director, Integrated Child Development Services, Bihar, Patna.
4. The Divisional Commissioner, Tirhut Division, Muzaffarpur.
5. The District Magistrate, West Champaran, Bettiah.
6. The District Programme Officer, Integrated Child Development Services, West Champaran, Bettiah.
7. The Child Development Project Officer, Thakraha, District- West Champaran (Bettiah).
8. The Lady Supervisor, Thakaraha, District- West Champaran, Bettiah.
9. The Ward Member, Ward No. 11, Gram Panchayat Raj Thakraha, Anchal - Thakaraha, District- West Champaran, Bettiah.
10. Reena Devi(F) Wife of Munna Mahto Resident of Village- Ali Tola, Post Office- Thakaraha, Police Station, Thakaraha, District- West Champaran (Bettiah). At present posted and working as Aanganwadi Sevika in Ward No.- 11, Centre No. 20, Thakaraha, District- West Champaran, Bettiah.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Kumar Mishra, Adv.
For the State	:	Mr. Prasant Pratap (GP 2)
For the Pvt. Respondent	:	Mrt. Sanjeev Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 24-07-2023 Heard learned counsel for the petitioner, learned
counsel for the private respondent No.10 and learned counsel
for the State.

2. The writ petition has been filed seeking quashing of
order dated 20-06-2014, passed by the District Programme



Officer, Integrated Child Development Services West Champaran, Bettiah (Respondent No. 6), as contained in Annexure-4 to the writ petition, whereby and whereunder the petitioner's selection as *Aanganwadi Sevika* for Ward No. 11, Centre No. 20, Thakraha, West Champaran has been canceled and the private respondent No. 10 has been selected in her place. The petitioner has sought a direction to the Collector West Champran, Bettiah (Respondent No.5) to dispose of her appeal vide Case No. RM 55/15-16 or transferring the same to the Divisional Commissioner, Tirhut Division, Muzaffarpur (Respondent No.4), as per the 2019 Guidelines for appointment of *Aanganwadi Sevika/Sahayika* issued by the I.C.D.S. Directorate.

3. The Court would find that as per Clause 12 of 2019 Guidelines, the Divisional Commissioner is the competent authority after 27/05/2019. In the proceedings, before the Respondent No.5, the last order, as per certified copy of the order sheet, is for issuing notice upon the private respondent No. 10 on 01-08-2016. Thereafter, it was again taken up on 19/08/2016, when the order sheet records that the appellant as well as opposite party have appeared. Though both parties were appearing in the proceedings, there is no material in the writ



petition filed by the petitioner to show as to what steps the petitioner has taken after 19/08/2016 till filing of the instant writ petition more than six years thereafter.

4. Since both parties have already appeared in the said proceedings, it was for the petitioner to take steps for expediting the hearings of the appeal. There is no averment as to what has happened in the last more than six years causing the appeal to remain pending. All of a sudden, after more than six years, the petitioner has awoke from her slumber to assail the order of the Respondent No.6 (Annexure-4) against which the appeal was filed as also for directions, as noted above.

5. The Court would also take into consideration the issue agitated by the petitioner is not in respect of a government service. The petitioner's engagement is for dissemination of public welfare measures under a Scheme. That apart the petitioner's approach to this Court is also belated and, therefore, this Court is not inclined to exercise its extraordinary discretionary writ jurisdiction under Article 226 of the Constitution of India in favour of the petitioner.

6. The writ petition is dismissed, however, with liberty to the petitioner to take appropriate steps in the appeal bearing Case No. RM 55/15-16, for its expeditious



consideration, if the same is still pending, in accordance with
law, under the extant guidelines.

(Madhuresh Prasad, J)

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