

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3095 of 2023

Indu Kumari W/o- Amarjeet Sahu Resident of Village - Dhabauliya (Ward No.- 1), P.S.- Hasanpur, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Department of Social Welfare, Bihar, Patna.
2. The Director, Directorate of I.C.D.S the Bihar, Patna.
3. The District Magistrate, Samastipur.
4. The District Program Officer, I.C.D.S. District- Samastipur.
5. The Sub-Division of Magistrate, Rosera, Samastipur.
6. The Block Development Officer, Bithan, District- Samastipur.
7. The Child Development Project Officer (C.D.P.O.), Bithan, District- Samastipur.
8. The Leady Supervisor of Sakhwa Gram Panchayat Block Bithan, District- Samastipur.
9. Priya Devi @ Priya Kumari @ Suman Devi Wife of Shiwshankar Sah, Resident of Village- Dhabauliya Ward No.- 1, Shakwa Panchayat, P.S.- Hasanpur, District- Samastipur.
10. Divisional Commissioner, Darbhanga Division

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar, Adv
For the Respondent/s : Mr.S.K. Mandal (SC3)

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 26-07-2023 Heard learned counsel for the petitioner and learned counsel for the State.

2. Divisional Commissioner, Darbhanga Division, is directed to be impleaded as party respondent No. 10 to the instant writ proceedings.

3. The petitioner's selection as '*Anganwadi Sevika*' at



Shakwa Gram Panchayat of *Bithan* Block has been cancelled by the District Magistrate, Samastipur vide order dated 21-10-2022, in Aganwadi Appeal No. 179/2020 filed by Respondent No. 9.

4. Learned counsel for the petitioner submits that the order is unsustainable, as it is based on a wrong factual premise regarding petitioner not being resident of the ward. The Authority (District Magistrate) did not consider the various documents available on record, supporting the petitioner's claim of residence in the ward, for which selection has been made. The order of District Magistrate impugned in the instant writ petition is dated 21-10-2022, that is much after coming into force of 2019 guidelines on 27-05-2019. As per the said guidelines, issued by the ICDS Directorate, the earlier guidelines of 2015-16 have been repealed. The guidelines only saves the process of selection initiated under the earlier guidelines to be completed in accordance with guidelines, under which it was initiated. Insofar as other aspects, the 2019 guidelines has come into effect immediately on 27.05.2019. Clause 12 of the 2019 guidelines provides revisional appeal before the Divisional Commissioner against the order of the District Programme Officer. The order impugned by the



petitioner is by a District Magistrate, an officer below the Divisional Commissioner.

5. In view of the provisions contained in the 2019 guidelines, this Court would observe that the factual issue arising in the instant writ petition can be looked into by the concerned Divisional Commissioner (respondent No. 10). The petitioner may assail the order of the District Magistrate before the Divisional Commissioner (respondent no. 10), being the Revisional/Appellate Authority under the 2019 guidelines.

6. With this liberty, writ petition is dismissed.

(Madhuresh Prasad, J)

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