

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7371 of 2023

Shabana Khatoon Wife of Md. Mohidur Alam, Resident of Village-Singhiya,
Jangla Tal Panchayat, Delhi Diwan Ganj, P.S.-Amdabad, District-Katihar,
Bihar, PIN-854117.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director, Integrated Child Development Scheme, Bihar, Patna.
2. The Divisional Commissioner, Purnia.
3. The District Collector, Katihar.
4. The Additional District Collector, Katihar.
5. The District Programme Officer, Katihar.
6. The Block Development Officer, Amdabad, Katihar.
7. The Circle Officer, Amdabad, Katihar.
8. The Child Development Project Officer, Amdabad, Katihar.
9. Mariyam Khatoon, Wife of Gulam Murtaza, Resident of Village-Chilianiya, P.S.-Amdabad, District-Katihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar, Adv
For the State	:	Mr.S.K. Mandal (SC3)
		Mr. Bipin Kr, AC to SC 3

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 16-08-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The impugned order is dated 02.03.2023
(Annexure P/5) passed in Anganwadi Case No. 48 of 2013 by
the Additional District Collector, Katihar (respondent no.4).

3. The brief background is that the petitioner was
selected as Anganwadi Sevika in a proceeding conducted by the
Aam Sabha under the 2011 guidelines. The private respondent



no. 9 was aggrieved by petitioner's selection. She approached this Court in CWJC No. 4631 of 2013 (Annexure P/3). This Court considering that remedy was available to the petitioner before the Collector as per the then existing guidelines. Dispose of the writ petition so that the petitioner can file a representation before the Collector which was to be decided after hearing the parties concerned.

4. The impugned order is as a result of this exercise pursuant to the order passed in CWJC No. 4631 of 2013 (Annexure P/3). This Court would find that as of today w.e.f., 27.05.2019, the 2019 guidelines for selection of *Anganwadi Sevika/Sahayika* has come into force. It is clear from perusal of the 2019 guidelines issued by the Directorate of ICDS, that the earlier guidelines have been repealed w.e.f., the date of issuance of 2019 guidelines. The selection processes initiated under the earlier guidelines have only been saved.

5. In view of repeal of earlier guidelines, the petitioner's remedy against the order of the Additional Collector can now only be in terms of the 2019 guidelines. Clause 12 of the same provides that revisional appeal would lie before the Divisional Commissioner.

6. The Court, therefore, would observe that the



issue regarding the inter-se merit of the petitioner and private respondent no. 9 involves issue of disputed facts which appropriately can be considered by the Divisional Commissioner, who is the competent authority under the 2019 guidelines.

7. Since the respondent no. 2 is an authority superior to the Additional Collector who has passed the impugned order dated 02.03.2023 (Annexure P/5). It is only proper that the petitioner may approach the Divisional Commissioner, Purnia (respondent no. 2) for assailing the order of the Additional Collector dated 02.03.2023 (Annexure P/5).

8. With liberty, the writ petition is disposed of. If the petitioner approaches the Divisional Commissioner, Purnia (respondent no. 2) within four weeks, Divisional Commissioner, Purnia (the respondent no. 2) shall determine the issue upon its merits, expeditiously.

(Madhuresh Prasad, J)

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