

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.197 of 2023

Pinki Kumari @ Pinki Devi Wife of Vinod Sharma Resident of Village- Jiwan Patti Rambhadrapur Panchayat, Ward No.- 11, P.O.- Khaira Kujji, P.S.- Bahadurpur, District- Darbhanga.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Social Welfare Department, Bihar, Patna.
3. The District Magistrate, Darbhanga.
4. The District Programme Officer, Darbhanga.
5. The Child Development Project Officer, Block- Bahadurpur, District- Darbhanga.
6. The Panchayat Secretary, Ram Bhadrapur Panchayat, Block- Bahadurpur, District- Darbhanga.
7. The Head Master of Rajkiya Middle School Sinuara under Block Bahadurpur, District- Darbhanga.
8. Rinku Kumari, Wife of Arjun Paswan Residence of Village Jiwanpatti, Ward no.- 11, Ram Bhadrapur, P.O.- Khaira, P.S.- Bahadurpur Panchayat, District- Darbhanga.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Ram Narayan Mahto, Advocate
For the Respondent/s : Mr. Asit Kumar Jha, AC to GP-2

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 24-02-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner in the present case is seeking the following
reliefs:-

“(i) For issuance of an appropriate writ(s),
order(s) direction(s) to the respondent to
cancel the appointment of Respondent no.8
dated 18.10.2019 illegally issued by C.D.P.O.
Bahadurpur in Aam Sabha on the post of
Anganbari Sahaika Ward no. 11, Center
no.274 Jiwanpatti, Panchayat Ram
Bhadrapur, under Block Bahadurpur, District-



Darbhanga whereby and whereunder Respondent no.5 has appointed the Respondent no.8 without any document which is illegal, improper and bad in law whether petitioner has submitted the same but who is not appointed on the same post.

(ii) For issuance of an appropriate writ(s), order(s), direction(s) to the respondents that after cancellation of illegal appointment of Respondent no.8 appoint the petitioner on the same post of Center No.274, Ward No.11 Panchayat Rambhadrapur under Block-Bahadurpur, District- Darbhanga.

(iii) To pass such other order or orders as your Lordships may deem fit and proper in the facts and circumstances of this case.”

It is the case of the petitioner that the appointment of respondent no. 8 namely, Rinku Kumari on the post of Anganbari Sahayika has been made against the rules. According to the petitioner, respondent no. 8 had not submitted the qualification certificate at the time of filing of the application and she had not produced the same in the Aam Sabha.

On perusal of the writ application, however, it appears that the petitioner has filed a representation before the District Programme Officer, Darbhanga on 16.03.2020 with regard to the procedures adopted in the matter of engagement/selection of respondent no. 8 but the same has not been considered.

Learned counsel for the State submits that the petitioner should have filed an appropriate application before the Child Development Project Officer (in short “CDPO”)



which could have been considered in accordance with the rules framed on the subject.

In the facts and circumstances of the case, without going into the merit of the contentions raised on behalf of the petitioner, at this stage, this Court directs that the representation as contained in Annexures '10' and '11' to the writ application addressed to the District Officer, Darbhanga and the Commissioner, Darbhanga Division, Darbhanga respectively be considered by the competent authority under the rules and an appropriate decision in accordance with law be taken after giving opportunity of hearing to both the parties.

Let such reasoned decisions be taken within a period of four months from the date of receipt/production of a copy of this order. It is reiterated that this Court has not formed any opinion and the competent authority shall proceed in accordance with law.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

lekhi/-

U			
---	--	--	--

