

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25513 of 2019

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Gita Devi @ Gita Kumari Wife of Ranjit Singh (Tressless), resident of village- Majhiyawa, Post- Chachadi, Police Station- Obra, District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar Through the Secretary Social Welfare Department, Government of Bihar, Patna.
2. The Director Social Welfare Department, Government of Bihar, Patna.
3. The Deputy Director Welfare Magadh Division, Gaya.
4. The Divisional Commissioner Magadh Division, Gaya.
5. The District Magistrate Aurangabad.
6. The District Programme Officer Aurangabad.
7. The Child Development Project Officer Obra, Aurangabad.
8. Bandana Kumari Wife of Chandan Kumar Chand, R/o vill. Majhiyawa, P.O. Chachodi, P.S.Obra, Dist. Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ranjit Kumar, Adv.
For the Respondent/s : Mr.S.K.Mandal (SC3)
Mr. Bipin Kuumar AC to SC-3

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 25-07-2023 Heard learned counsel for the petitioner and learned counsel for the State.

2. The writ application has been filed challenging the order dated 10-10-2019 passed by the District Programme Officer, Aurangabad (Respondent No.6) whereby the petitioner's selection as *Aanganbari Sevika* has been cancelled and direction has been issued to the Child Development Project Officer, Obra, Aurangabad (Respondent No.7) to ensure



selection afresh.

3. It is submitted by the learned counsel for the petitioner that the order is based on an inquiry, by a three member committee, which was got conducted by order dated 11/07/2019 of the Divisional Commissioner, Magadh Division Gaya (Respondent No.4). In the inquiry, it was found that the petitioner had claimed a date of birth as '10/03/1999', relying upon the matriculation certificate, whereas the date of birth of the petitioner's son was '15/02/2006'. In light of the inquiry report, the Respondent No.4 vide order dated 23/09/2019, directed the Respondent No. 6 to ensure further action in the matter, in accordance with law. Relying upon this report, the Respondent No.6 has cancelled the selection of the petitioner, by the impugned order dated 10/10/2019, as contained in Annexure-1 to the writ petition. It is submitted by the learned counsel for the petitioner that the findings of the three member committee and order of the Respondent No.4, are without affording any opportunity to the petitioner.

4. The learned counsel for the State points out that the order dated 23/09/2019 was nothing more than a forwarding of report of the three member committee by the Respondent No.4, in his capacity, as the first Appellate Authority under the Bihar



Right to Public Grievance Redressal Act, 2015. The matter has been referred to the Respondent No.6, who is the competent Authority, under the 2019 guidelines, issued by the ICDS Directorate, for considering and determining disputes regarding selection of *Aanganbari Sevika*. The Respondent No. 6, in due course, has cancelled the selection of the petitioner by impugned order dated 10/10/2019 (Annexure-1), against which, the petitioner has remedy of appeal before the Divisional Commissioner, which the petitioner has not availed.

5. This Court would find that the order of the Respondent No.6 is subject to revisional appeal before the Divisional Commissioner in terms of clause 12 of the 2019 guidelines issued by the ICDS Directorate. Without availing the said remedy, the petitioner has approached this Court. The submission of petitioner's counsel that the findings of the three member committee will come in her way if she resorts to the remedy under the 2019 guidelines, in the opinion of this Court, is nothing more than a mere apprehension.

6. If in compliance of the order passed by the Respondent No.6, the selection process has proceeded and finalized, it would be open to the petitioner to assail the same under the provisions of the 2019 guidelines. If, however, the



order of the Respondent No.6 dated 10/10/2019, till date has not been given effect to, it is needless to say that it will be open to the petitioner to raise all the issues, including the veracity of the report submitted by the three member committee by availing remedy of revisional appeal before the Divisional Commissioner under the 2019 Guidelines.

7. The writ application is dismissed with liberty to the petitioner to avail remedies under the 2019 guidelines, or any other remedy in accordance with law.

(Madhuresh Prasad, J)

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