

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.731 of 2020

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Husna Begam @ Husna Khatoon, Wife of Md. Arif, Resident of Village-Madhura Ward no.2 P.S. Korha District-Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through its Secretary Social Welfare Department Patna District Patna.
2. The Commissioner, Purnea Division, District-Purnea.
3. The District Magistrate, District-Katihar.
4. The District Programme Officer Katihar District Katihar.
5. The C.D.P.O. Under Block Korha District-Katihar.
6. Ladies Supervisor-Cum-Secretary of Selection Committee namely (Rubi Kumari) Resident of Village-Madhura P.S. Korha Dist.-Katihar.
7. President Selection Committee-Cum-Ward Member Resident of Ward no.2 Village-Madhura P.S. Korha Dist.-Katihar.
8. Ward Panch Selection Committee Ward no.2 Village-Madhura P.S. Korha Dist.-Katihar.
9. Shabana Najnin Khatoon, Wife of Md. Salman, Resident of Village-Madhura P.S. Korha District-katihar.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr.Krishna Ballabha Sharma, Advocate
For the State	:	Mr.S.K.Mandal, SC-3
		Mr.Bipin Kumar, AC to SC-3
For Respondent No.9	:	Mr.Shivendra Kishore, Sr. Advocate
		Mr.Nafisuzzoha, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

- 6 22-08-2023 1. Heard learned counsel for the petitioner and learned counsel for the respondent-State, as well as learned senior counsel for the private respondent No.9.
2. The District Programme Officer has passed an order dated 26.08.2019 in Misc. Aganbari Appeal No. 27/2018, in relation to the selection process of Aganbari Sevika for the Aganbari Centre No. 290, Ghatar Katia Tola, Panchayat



Madhura, Block- Korha, District- Katihar. The same has been assailed by the private respondent No.9 and decided by the Divisional Commissioner under order dated 05.12.2019 passed in Misc. Appeal (Anganbari) No. 17 of 2019.

3. It is submission of learned counsel for the petitioner that order of the Divisional Commissioner is without jurisdiction. He submits that the selection process in question started in 2018, prior to coming into force of the Guidelines for Selection of Anganbari Sevika/Sahayika, 2019 (hereinafter referred as “2019 Guidelines”) under Integrated Child Development Services (ICDS) letter dated 27.05.2019. Referring to the letter, he has submitted that it is clear from bare perusal of the letter itself that the new guidelines is to apply excluding the process of selection initiated under the earlier guidelines.

4. In the instant case, the selection had commenced prior to coming into force of the new guidelines. The order of the District Programme Officer was thus required to be examined by the District Magistrate, who was the competent authority under the earlier guidelines, and not by the Divisional Commissioner, who is the revisional appellate authority in terms of Clause 12 of the 2019 Guidelines.

5. Learned senior counsel for the private-respondent



No.9 as well as learned counsel for the State has referred to decision of this court in the case of *Rekha Devi vs. The State of Bihar & Ors.* passed in *C.W.J.C. No.20632 of 2018*.

6. The court has considered this aspect of the matter earlier. The letter of the ICDS dated 27.05.2019 is clear in its intent that from the date of coming into existence of the letter i.e. 27.05.2019, all earlier guidelines stand repealed. The saving clause is only with respect to a process of selection initiated under an earlier guidelines so as to enable it to continue and attain its logical conclusion. Other than the process of selection, the remedies, etc., will be guided by the 2019 Guidelines, as is clear from its intent.

7. The submission of learned counsel for the petitioner that the Divisional Commissioner has passed the order without jurisdiction, therefore, appears to this court to be unsustainable. Clause 12 of the 2019 Guidelines is clear that order of the District Programme Officer is subject to revisional appeal before the Divisional Commissioner.

8. The writ application is thus without merit and dismissed.

(Madhuresh Prasad, J)

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