

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19426 of 2018

Ramwati Devi @ Ramwanti Devi W/o Subhkant Paswan, resident of Village-
Kumarganj Ser, P.S. Biroul, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, ICDS, Social Welfare Department, Patna
2. The Director, Social Welfare Department, Govt. of Bihar, Patna.
3. The District Officer/ Collector, Darbhanga.
4. The District Programme Officer, Darbhanga.
5. The Child Development Project Officer, Block- Baheri, District- Darbhanga.
6. Mukhiya of the Gram Panchayat, Habidih South Under Block Baheri District Darbhanga.
7. Srimati Durmil Devi, W/o Lakshman Paswan, resident of Village- Kumarganj, P.O. Habidih, P.S. Baheri, District- Darbhanga.
8. Smt. Rina Devi, Sevika of Anganbari Centre No. 44, Kumarganj, Simra under Block Baheri, District- Darbhanga
9. The Secretary, Bihar Sanskrit Shiksha Board, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Pradeep Kumar Singh, Adv.
For the State	:	Mr. Sunil Kumar Mandal (SC-3)
		Mr. Bipin Kumar (AC to SC-3)
For the BSSB	:	Mr. Ram Niwas Prasad, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 07-10-2024 Heard Learned Counsel for the petitioner, Learned

Counsel for the State and Learned Counsel for Bihar Sanskrit

Shiksha Board.

2. The present writ petition has been filed for the
following relief/s:-

*“1. For quashing of the order dated
16.03.2018 in Anganwadi Case No.152
of 2015 passed by the District
Magistrate-cum-Collector, Darbhanga
(annexed as Annexure-4) and further to
appoint the petitioner on the post of*



*Anganwadi Sevika at Center No.261
Kunwarganj, Paswan Tola, Panchayat-
Habidih South of Block Bheri, District-
Darbhanga.*

*II. For quashing of the order dated
29.06.2018 contained in Letter No.914
passed by the District Programme
Officer, Darbhanga and release the
contractual amount to the petitioner
during this period.*

*III. To confirm the order dated
09.01.2015 passed by the District
Programme Officer (respondent no.4)
passed in Anganwadi Case
No.106/2013-14”*

3. Learned Counsel for the petitioner fairly submits that grievance of the petitioner initially at the time of filing the writ petition was against Smt. Durmil Devi who is now no more and at her place, fresh appointment of *Anganwadi Sevika* has been made and fresh appointee namely Ms. Sakshi Priya has not been added as party in the present writ petition. Counsel submits that the order of the District Programme Officer, Darbhanga was in petitioner's favour, but it is the Collector's order which has been passed against her.

4. Since, during the pendency of the writ petition, the right has been created in favour of the 3rd party, therefore, passing any order in favour of the petitioner without hearing the



fresh appointee shall cause prejudice. It is also true that the said appeal which has been challenged by the petitioner is against Smt. Durmil Devi who is now no more.

5. Learned Counsel for the State submits that any order may be passed only after hearing the latest appointee.

6. It transpires to this Court that since, order dated 16.03.2018 has become infructuous and therefore, this order dated 16.03.2018 in *Anganwadi* Case No.152 of 2015 passed by the District Magistrate-cum-Collector, Darbhanga (annexed as Annexure-4) is hereby set aside. It is directed to the petitioner to file a fresh application before the Collector-cum-District Magistrate raising all the points of Annexure-7 which has been issued by the ICDS, Directorate and claimed the same to be in her favour. The District Magistrate, Darbhanga shall upon noticing to the fresh appointee and after hearing both parties, shall pass order in accordance with law within 90 days from the date of production of the order. Period of 90 days shall be counted from the date of appearance of parties.

7. Accordingly, with the aforesaid direction, the present writ petition stands disposed off.

(Dr. Anshuman, J)

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