

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8929 of 2019

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Sashi Kamal Wife of Anant Kumar Resident of Village-Merut, P.O.-Arthawa,
District-Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Social Welfare Department,
Bihar, Patna.
2. The Director, Integrated Child Development Service, Bihar, Patna
3. The District Magistrate, Nalanda, Bihar Sharif
4. The District Programme Officer, Nalanda, Bihar Sharif.
5. The Child Development Officer, Asthawan, Nalanda.
6. The Ladies Supervisor, Asthawa, Nalanda
7. The Mukhiya, Panchayati Raj Nearut, Nalanda.
8. The Shyam Sundari Kumar Wife of Dharmendra Kumar, Nearut, Asthawan,
Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manish Mohan Kateryar, Advocate
For the Respondent/s : Mr. Sunil Kumar Mandal, SC- 3
Ms. Neelam Kumari, AC to SC- 3

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 17-09-2024 Heard Learned Counsel for the petitioner and Learned
Counsel for the State.

2. Learned Counsel for the petitioner submits that the present writ petition has been filed for setting aside the order contained in Memo No. 272 dated 11.02.2019 passed by the District Programme Officer, Nalanda by which the appointment of petitioner had been cancelled as Anganbari Sevika. Counsel also submits that he has also challenged the order dated 27.03.2019 passed in complaint case No. 427110415031900202 dated 15.03.2019 passed by the District Complain Redressal Officer, Nalanda.

3. Learned Counsel for the State raised preliminary



objection and submits that since matter is relating to the appointment of Anganbari Sevika for which there is a separate Margdarsika framed by the Government time to time and under the relevant Margdarsika, the remedy lies to the petitioner challenging the order of District Programme Officer, Nalanda before the superior authority. He submits that without exhausting the said remedy of appeal, the petitioner has directly moved before this Hon'ble Court.

4. In response thereof, Learned Counsel for the petitioner submits that he has filed an application before the District Magistrate, Nalanda, Bihar Sharif, but he himself admits that application was not in the form of appeal.

5. As such, the writ petition is disposed off granting liberty to the petitioner that he shall file an appeal before the District Magistrate, Nalanda, Bihar Sharif, within 30 days from today and delay, if any, in filing the said appeal shall be condoned by the appellate authority. The appellate authority shall hear the appeal after issuing notice to all concerned and shall decide this issue within 90 days from date of completion of appearance of all concerned.

Aman Kumar/-

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(Dr. Anshuman, J.)

