

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8816 of 2018

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Smt. Renu Kumari W/o Shri Tarkeshwar Prasad R/o Village Mahinawa, P.S.
Maner, District - Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through the District Magistrate, Patna.
2. The District Programme Officer, Patna.
3. The Child Development Project Officer, Maner, Patna.
4. The Dy. Director, Welfare, Patna Division, Patna.
5. Saroj Devi W/o Jagat Bihari Gupta R/o Mahinawa, P.S. - Maner, District - Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dineshwar Mishra
For the Respondent/s : Mr.Smt.Kumari Amrita -Gp3

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 15-07-2024 Heard learned counsel for the petitioner and learned
counsel for the State.

2. Counsel for the petitioner submits that the petitioner has filed the present writ petition seeking direction to the Respondents to allow the petitioner to work as Anganbari Sevika at Mahinawa Anganbari Centre within the district of Patna as well as for quashing of the order dated 16.03.2017 issued by the Respondent No. 2 contained in Annexure-5, whereby the petitioner has been terminated from Anganbari Sevika and the Respondent No. - 5 was directed to be appointed as Anganbari Sevika though as a matter of fact, the Respondent No. - 5 is outside of 'Poshak Chhetra' and the Respondent No. - 2 has no jurisdiction, nor is he competent authority to pass the order of termination of an Anganbari Sevika, if any irregularity



in any manner is detected as such the impugned order contained in Annexure-4 series is neither legally sustainable, nor is the legally justified and hence the act of the Respondents is illegal, erroneous, unjust, unconstitutional and without jurisdiction and the same has offended the fundamental right of the petitioner conferred under Article 16 and 21 of the Constitution of India.

3. Counsel for the State raised preliminary objection that against the order passed by the DPO, there is statutory appeal lies under the relevant Margdarshika Rule, 2011.

4. In this view of matter, it transpires to this Court that there is a provision of appeal before the District Magistrate under the relevant rule. As such, the present writ petition is hereby disposed off with liberty to avail remedy under the said rule.

5. Delay, if any in filing the appeal is hereby directed to be condoned.

(Dr. Anshuman, J.)

Prakashmani/-
Saurabh/-

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