

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8452 of 2018

Ajrun Nisa, Wife of Arshad Quadri, Residents of Village- Bhatta Tola
Ranibagh Canal, Ward No.13, Under Nagar Panchayat, Simri Bakhtiyarpur,
District- Saharsa.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Social Welfare,
Department, Government of Bihar, Patna.
2. The Director, ICDS, Government of Bihar, Patna.
3. The Director, Social Welfare Department, Government of Bihar, Patna.
4. The District Welfare Officer, Saharsa.
5. The Divisional Commissioner, Kosi Division, Saharsa.
6. The District Magistrate cum Collector, Saharsa cum Appellate Authority,
Anganbari Sevika, Sahika, District- Saharsa
7. The District Programming Officer, Saharsa.
8. The Child Development Project Officer, Simri Bakhtiyarpur, District-
Saharsa.
9. Afsana Parween, D/o Md. Inamul Haque @ Md. Inamul Haque, W/o Late
Afsar Alam, Residents of Village- Bathha Tola Ranibagh, P.S.- Simri
Bakhtiyarpur, District- Saharsa, At present address Afsana Parween, W/o
Mansur Alam, Resident of Village- Bakhtiyarpur Basti, Ward No.7, Under
Block- Bakhtiyarpur, P.S.- Bakhtiyarpur, District- Saharsa.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Raja Surendra Mohan, Adv. Mr. Shekhar Kumar Singh, Adv. Budhilal Yadav, Adv. Amit Kumar Singh, Adv.
For the Respondent/s	:	Mr. G.P. Ojha (GA-7)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 14-05-2024 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed for
quashing the impugned order dated 26.12.2017 passed by the



District Programming Officer, Saharsa in *Anganbari* Case No. 02/2017-18 (annexed as Annexure-12) whereby the petitioner was terminated on the post of *Anganbari Sevika* at Center No.181 under Nagar Panchayat, Simri Bakhtiyarpur, Tola-Ranibagh Canal under Block- Simri Bakhtiyarpur, District-Saharsa and further for quashing the impugned advertisement dated 13.03.2018 issued by the District Programming Officer, Saharsa as well as the District Magistrate-cum-Collector, Saharsa.

3. Learned counsel for the petitioner submits that the petitioner has preferred appeal before the District Magistrate being Appeal Case No.-1/2018 challenging the order dated 26.12.2017 passed in *Anganbari* Case No. 02/2017-18 which is still pending before the District Magistrate. Counsel further submits that the occasion has arisen for the petitioner to file the present writ petition is that during pendency of the *Anganbari* appeal, the official respondents has made advertisement making fresh appointment on various *Anganbari* Kendra including *Anganbari* Center No.181 which is under challenge. Counsel also submits that *vide* order no.2 dated 04.05.2018, a protection order has been passed in favour of the petitioner that any selection made regarding the subject matter of the present case



shall be subject to the final outcome of the present case. Counsel submits that in this regard, communication has been made by the petitioner to the authorities concerned and thereafter, the authorities have not taken any steps further towards making appointment on the said center.

4. Learned counsel for the State on the other hand submits that counter affidavit has been filed and in the counter affidavit, it has been admitted that against the order dated 26.12.2017 passed by District Programming Officer, Saharsa in *Anganbari* Case No. 02/2017-18, *Anganbari* Appeal Case No.-1/2018 has been pending before the District Magistrate.

5. In this background, the District Magistrate is directed to pass final order in the said *Anganbari* Appeal Case No.-1/2018 hearing petitioner and respondent no.9 of the present case within 90 days from the date of appearance of the parties or from the date of production of the order passed by this Court.

6. In the meantime, the protection order dated 04.05.2018 shall continue i.e. any selection made of the said *Anganbari* Center No.181 which is the subject matter of the present case as well as of *Anganbari* appeal shall be subject to the final outcome of the said appeal.



7. Accordingly, with the aforesaid direction, this writ
petition is hereby disposed off.

(Dr. Anshuman, J.)

Divyansh/-

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