

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15741 of 2019

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Rani Devi W/o Vishnu Kumar Vill.- Sheopur, P.s.- Sonahan, Distt.- Kaimur

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social and Welfare Department, Govt. of Bihar, Patna
2. The Director Integrated Child Development Services Directorate, Patna
3. The Collector-cum-District Magistrate Kaimur at Bhabua
4. The District Programme Officer (ICDS) Kaimur at Bhabua
5. The Child Development Project Officer Bhabua, P.s.- Bhabua, Distt.- Kaimur
6. The Ladies Supervisor-cum-Member Secretary Bhabua, P.s.- Bhabua, Distt.- Kaimur
7. Sita Devi W/o jai Shankar Barai Vill.- Sheopur, P.s.- Sonahan, Distt.- Kaimur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Singh, Adv.
For the State : Mr. Gyan Prakash Ojha (GA-7)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 30-09-2024 Heard Learned Counsel for the petitioner, Learned Counsel for the State and Learned Counsel for private respondent no.7.

2. The present writ petition has been filed for quashing the order dated 27.06.2018 in *Anganwadi* Misc. Case No.49 of 2018 passed by the District Programme Officer, Kaimur at Bhabua (respondent no.4), follow up letter dated 06.07.2018 issued by respondent no.6 and further for quashing the order dated 16.11.2018 in *Anganwadi* Appeal Case No.10 of



2018 passed by the Collector-cum-District Magistrate, Kaimur at Bhabua (respondent no.3) whereby and where under, the appeal preferred by the petitioner against the order of respondent no.4 has been dismissed.

3. Learned Counsel for the petitioner submits that from Annexure-2 series, it become crystal clear that Aam Sabha could not be concluded and it has been adjourned for further date. But, in the meantime, the private respondent no.7 has filed case prior to decision of *Aam Sabha* and move before the DPO and the DPO accepting the contention of private respondent no.7 allowed her case and directed for her appointment has *Anganwadi Sevika*. Counsel submits that this fact has already been acknowledged by the Co-ordinate Bench of this Hon'ble Court *vide* order no.2 dated 08.08.2019. Counsel further submits that neither private respondent no.7 nor State has put emphasis on this fact that whether the DPO has passed order prior to finalization of Aam Sabha or after the decision of Aam Sabha.

4. It transpires to this Court that neither private respondent no.7 nor State is in a position to satisfy this Court that, appointment of private respondent no.7 took place after conclusion of *Aam Sabha*.

5. In this view of the matter, this Court has no option



but to decide this case in favour of the petitioner as Co-ordinate Bench of this Hon'ble Court *vide* order no.2 dated 08.08.2019 has already acknowledged the said wrong done in the appointment of private respondent no.7. But after lapse of four years, hearing is going on and no clarification has come from respondents.

6. As such, order dated 27.06.2018 in *Anganwadi* Misc. Case No.49 of 2018 passed by the District Programme Officer, Kaimur at Bhabua (respondent no.4) and order dated 16.11.2018 in Anganwadi Appeal Case No.10 of 2018 passed by the Collector-cum-District Magistrate, Kaimur at Bhabua (respondent no.3) are hereby set aside.

7. Accordingly, the present writ petition stands allowed.

(Dr. Anshuman, J)

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