

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12616 of 2023

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Jaymala Kumari Wife of Gambhir Kumar, resident of village and P.O. Ghoghsam, Tatma Tola, Ward No. 04, Police Station - Simri Bakhtiyarpur, District - Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social and Welfare Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Social and Welfare Department, Govt. of Bihar, Patna.
3. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
4. The Director, I.C.D.S., Govt. of Bihar, Patna.
5. The Divisional Commissioner, Saharsa.
6. The District Magistrate, Saharsa.
7. The District Programme Officer, Saharsa.
8. The Block Development Officer, Simri Bakhtiyarpur, District - Saharsa.
9. The Child Development Project Officer, Simri Bakhtiyarpur, District - Saharsa.
10. Ritu Kumari, W/o Vikash Tanti, R/o Village Ghoghsam, Ward No. 4, P.S. Simri Bakhtiyarpur, District - Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Md. Rahmatullah, Advocate
For the Respondent/s : Mrs.Kumari Amrita (Gp 3)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 15-01-2024 1. The present writ petition has been filed seeking the following relief(s):-

“(i) For issuance of writ of certiorari or any other appropriate writ order, orders, direction for quashing the order dated 08.05.2023 passed Anganbari by Kosi Divisional Commissioner, Saharsa in Anganbari Revision Case No-146 of 2022 whereby and whereunder the Divisional



Commissioner has quite erroneously refused to entertain the case on the ground of maintainability holding that against the order passed by District Programme Officer is appeal before the District Magistrate since, according to the 2019 guideline for selection of Anganbari Sevika/ Shahika which has come into force with effect from 27.05.2019. As per the said guideline, order of District Programme Officer is appealable before the Commissioner and not the District Magistrate.

(ii) For issuance of writ of certiorari or any other appropriate writ order, orders, direction for quashing the order dated 03.01.2020 passed by the District Programme Officer, Saharsa in Anganbari Appeal No. 84 of 2019 by which the petitioner's appointment on the post of Anganbari Sevika has quite erroneously been cancelled and also directed to issue fresh selection letter to the respondent no. 7 namely Ritu Kumari.

(iii) For issuance of writ of mandamus or nay other appropriate writ, order, orders, direction to the respondents to allow the petitioner to continue her service on the post of Anganbari Sevika under Patarghat Block, District Saharsa.”

2. At the outset, the learned counsel for the petitioner seeks not to press the present writ petition, however, seeks liberty on behalf of the petitioner to avail such other alternative



remedies as are otherwise available under the law, including that of filing a civil suit before the learned Civil Court having competent jurisdiction, for redressal of her aforesaid grievances. Liberty so sought is granted.

3. The writ petition stands dismissed as not pressed.

(Mohit Kumar Shah, J)

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