

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18756 of 2018

=====

Phul Kumari Devi Wife of Lal Mohar Ram, Resident of Village- Bai Dihari,
P.O.- Dhawani, P.S.- Karakat Gorari, District- Rohtas.

... .. Petitioner/s

Versus

1. The State Of Bihar through Director, ICDS, Bihar, Patna
2. The District Collector, Rohtas Sasaram.
3. The District Programme Officer, Rohtas Sasaram.
4. The Child Development Project Officer, Karakat, Rohtas.
5. Durgawati Devi, Wife of Babudhan Ram, Resident of Village- Bai Dihari,
P.O.- Dhawani, P.S.- Karakat Gorari, District- Rohtas.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Nagendra Upadhyay, Adv.
For the State : Mr. Prashant Pratap (GP-2)

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 23-09-2024 Heard Learned Counsel for the petitioner, Learned
Counsel for the State and Learned Counsel for private
respondent no.5.

2. The present writ petition has been filed for directing the respondent authority to appoint the petitioner on the post of *Anganwadi Sevika* at *Anganwadi* Center No.43 situated in Ward No.6, Gram Panchayat- Gamhariya, Block- Karakat, District- Rohtas by cancelling the appointment of private respondent no.5 on the said post as the respondent no.5 being the daughter of PDS dealer was not eligible and the petitioner being the eligible candidate has not been appointed as her name was figured at Sr. No.2 in the merit list.



3. Learned Counsel for the petitioner submits that in the counter affidavit, reply has come and from the reply, it become crystal clear that private respondent no.5 has been removed from her post, but the petitioner has not been appointed.

4. Learned Counsel for the State submits that the advertisement is valid for one year and in case, appointment could not be made then in that case, after lapse of one year, appointment shall be made only afresh. Counsel further submits that as per his knowledge, post of *Anganwadi Sevika* is still vacant.

5. In response thereof, Learned Counsel for the petitioner submits that for the appointment of present petitioner on the post of *Anganwadi Sevika*, the guidelines of 2016 shall prevail and not the guidelines of 2018 in which no such direction was inserted. Counsel further submits that appeal is preferable before the District Magistrate, Rohtas at Sasaram. Counsel also submits that the petitioner has filed representation before the Appellate Authority which is annexed as Annexure-7 series of the present writ petition and according to him, final decision has not been passed by the District Magistrate, rather, DPO who is the competent authority has passed the order



deciding about the removal of private respondent no.5.

6. It transpires to this Court that the petitioner's representation is still pending before the District Magistrate, Rohtas at Sasaram (annexed as Annexure-7 series of the present writ petition). As such, it is directed to the District Magistrate, Rohtas at Sasaram to pass order on the representation of the present petitioner after hearing the concerned parties within 90 days from the date of production of the order.

7. Hence, with the aforesaid direction, the present writ petition stands disposed off.

(Dr. Anshuman, J)

Divyansh/-

U			
---	--	--	--

