

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15375 of 2024

Nilam Kumari Wife Of Rajeev Ranjan Singh Resident of Village- Naya Tola
Bahadurpur, Ward No. 09, P. O.-Nima P.S.- Manihari District Katihar, Bihar,
PIN-854117.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director Integrated Child Development Scheme Bihar Patna.
2. The District Collector, Katihar.
3. The District Programme Officer, Katihar.
4. The Child Development Project Officer, Manihari, Katihar.
5. Kranti Kumari Wife of Surendra Singh Resident of Village-Naya tola Bahadurpur, Ward No.09, P.O.-Nima, P.S.-Manihari, District-Katihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the Respondent/s : Mr. Standing Counsel (25)

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 07-10-2024 Heard Mr. Sanjay Kumar, learned counsel appearing

on behalf of the petitioner and learned SC-25 for the

respondents.

2. The petitioner in paragraph no. 1 of the present writ

petition has sought *inter alia* following relief(s), which is

reproduced hereinafter:

" a) For issuance of order/orders,
direction/directions or writ/writs in the nature of Certiorari for
quashing and setting the order contained in memo No. 1127
dated 11.10.2019 passed by the District Programme Officer,
Katihar whereby the petitioner has been terminated from the
service for the reason that her Education Qualification issued
from the Board of Higher Secondary Education, Delhi was not
recognized and further directed the Child Development Project
Officer, Manihari, Katihar to proceed with the appointment of the
Anganwadi Sevika for the Centre No. 171, Manihari, Katihar in
accordance with the guidelines issued by the Department.



b) For issuance of writ in the nature of Mandamus directing the respondent authorities to re-appoint the petitioner to the post of Anganwadi Sevika for the Centre Code-171, Manihari, Katihar in terms of the decision dated 24.01.2013 passed by this Hon'ble Court in CWJC No. 153 of 2013 whereby the Hon'ble Court has held that the educational certificate issued by the Board of Higher Secondary Education, Delhi are valid and recognized one.

c) For issuance of such other order/orders, direction/directions, writ/writs which the Petitioner may be entitled to in the facts and circumstances of the case."

3. Learned counsel appearing on behalf of the petitioner seeks to file appeal before the District Magistrate-cum-Collector, Katihar, against the impugned order dated 11.10.2019 contained in Memo No. 1127 passed by the District Programme Officer, Katihar, against which, due to incorrect advice, the petitioner had filed appeal before the Divisional Commissioner, Purnea, which was not entertained.

4. Petitioner by preferring the present writ petition, seeks direction that her appeal, which has now become time bared in light of the guidelines of 2016, be considered considering the fact that the provision of the guidelines cannot be held to be statutory provision and governing the service condition of 'Anganwadi Sevika' to have been enacted in accordance with Article-309 of the Constitution of India.

5. Considering the aforesaid submission made on behalf of the petitioner, the District Magistrate-cum-Collector, Katihar, who is the Appellate Authority, is directed to accept the



appeal filed on behalf of the petitioner and condone the delay under the circumstances, the petitioner gives information for such delay in the limitation petition along with the appeal.

6. With above observations/directions, the present writ petition is disposed of.

(Purnendu Singh, J)

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