

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16708 of 2023

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Rekha Kumari W/o Dharmendra Kumar Resident of Village-Pipra, Post-Bedauli, P.S.-Imamganj, District-Gaya, Bihar-824210.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Government of Bihar, Patna.
2. The Director, Integrated Child Development Scheme, (ICDS), Directorate, Bihar, Patna.
3. The District Magistrate, Gaya.
4. The District Program Officer, Gaya.
5. The Child Development Project officer, Imamganj, P.S.-Imamganj, District-Gaya.
6. Sowanti Kumari W/o Guddu Ravidas Resident of Village-Pipra, Post-Bedauli, P.S.-Imamganj, District-Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms. Roona, Adv.

For the Respondent/s : Mr.Sunil Kumar Mandal (Sc 3)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 20-04-2024 The present writ petition has been filed seeking the following reliefs:-

“1(i). For quashing of order dated 10.03.2022 passed by Respondent District Program Officer, Gaya, as contained in Annexure-4 whereby the selection of the Petitioner as Anganwadi Sevika has been cancelled and the Child Development Officer, Immanganj, Gaya, has been directed to ensure selection of the Private Respondent, Sowanti Kumari in place of the Petitioner.

(ii). For a declaration that the present order dated 10-03-2022 to be contrary to guidelines 2016



whereby under Clause-5 of the Guideline the candidate was required to be a voter of the concerned ward or the candidate's father-in-law or candidate's husband's name should be in the voter list of the concerned ward.

(iii). That the impugned order dated 10.03.2022 to be declared as bad in law as the same issue had already been decided by the earlier District Program Officer, Gaya, vide order dated 24.07.2018 (Annexure-2) in Anganwadi Case No. 147/237 of 2018 and the present order impugned dated 10.03.2022 (Annexure-4) has been passed by the District Program Officer, as if he is sitting in Appeal against the earlier order passed on 24.07.2018 by the same authority and as such the order impugned deserves to be set aside.

(iv). For a direction upon the Respondents to restore the Petitioner to the post of Anganwadi Sevika of Pipra, Centre Code No. 197 after setting aside the impugned order dated 10.03.2022 whereby in a parallel proceeding the service of the Petitioner has been terminated and the private Respondent has been directed to be appointed in her place against the provision as laid down in Clause-5 of the 2016 guidelines of Selection.”

2. At the outset, the learned counsel for the petitioner seeks a direction upon the District Magistrate, Gaya, to dispose off the



pending appeal, filed by the petitioner, bearing Appeal No. 5 of 2022.

3. The learned counsel for the Respondents submits that in case, the aforesaid appeal is still pending consideration, the same would definitely be disposed off, within a fixed time frame, as is fixed by this Court.

4. Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the District Magistrate, Gaya, to dispose off the aforesaid appeal, filed by the petitioner, in case the same is still pending, by passing a reasoned and a speaking order, in accordance with law, within a period of six weeks of receipt / production of a copy of this order.

5. The present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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