

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7519 of 2018

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Babli Kumari W/o Ramanuj Singh, Resident of Village- Dariyapur, P.S. Barahiya, District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Principal Secretary, Department of Social Welfare, Government of Bihar, Patna.
3. Director, ICDS Integrated Child Development Scheme Government of Bihar, Patna.
4. District Programme Officer ICDS Lakhisarai.
5. C.D.P.O., Barahiya, Lakhisarai.
6. Block Development Officer B.D.O. Barahiya, Lakhisarai.
7. Mukhiya, Gram Panchayat Raj, Laxmipur, P.S. Barahiya, District- Lakhisarai.
8. Hira Kumari, W/o Binod Singh, Resident of Village- Dariyapur, Ward No. 3, P.S.- Barahiya, District- Lakhisarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Parmanand Pd. Nr. Sahi, Adv.
For the Respondent/s	:	Mr.S.K. Mandal- SC-3.
		Mr. Arjun Prasad, A.C. to S.C.-3.
For respondent No.8	:	Mr. Nilanjan Chatterjee, Adv.
		Mr. Ravi Anand, Adv.
		Mr. Sahil Kumar, Adv.
		Mr. Anirvan Choudharui, Adv.
		Mr. Ujjwal Raj, Adv.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 03-09-2024 Heard learned counsel for the petitioner, learned counsel for the State as well as learned counsel for the respondent No.8, who appeared in this case through virtual mode.

2. Learned counsel for the petitioner submits that present writ petition has been filed for appointment of the



petitioner on the post of Sevika at Ward No.4 falling within Laxmipur Gram Panchyat of Barahiya Block in the district of Lakhisarai and also to cancel the appointment made of respondent No.8.

3. Learned counsel for the petitioner submits that for the wrongful appointment, the petitioner has filed representation vide Annexure-3 before the CDPO, Barahiya as well as before the DPO, Lakhisarai but nothing happened.

4. Learned counsel for the State, on the other hand, submits that petitioner has not exhausted his remedy under the relevant Margashika for appointment of Anganwadi Sevika and Sahayika, 2016 as remedy is available to the petitioner under Rule 12 to file a case before CDPO/DPO and DPO has to pass order after hearing the parties.

5. Learned counsel for respondent No.8, on the other hand, raised the preliminary objection and submits that writ petition is not maintainable due to the reason that petitioner is not the common servant. The learned counsel for the respondent further submits that there is disputed question of law involved in the present case and it is due to this reason, this writ petition is not maintainable.

6. In the light of the submissions made by the parties,



it transpired to this Court that the remedy is available to the petitioner before the DPO, Lakhisarai under the relevant Mardarshika for appointment of Angarwadi Sevika and Sahayika, 2016 before whom he has filed the representation.

7. In this view of the matter, this writ petition is disposed of directing the petitioner to avail remedy before the DPO, Lakhisarai, if the cause of action still survives, within 30 days from the date of disposal of the writ petition and DPO, Lakhisarai is directed to hear all the parties concerned in this matter and shall pass order on merit in the light of guidelines in the relevant Margdarshika relating to appointment of Sevika and Sahayika within 90 days.

8. With this direction, this writ petition is disposed of.

(Dr. Anshuman, J)

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