

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23244 of 2013

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Mamta Kumari W/O Sunil Kumar Resident Of Village- Bajachak, Police
Station- Sanohalla, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. Secretary, Department Of Samaj Kalyan Vibhag, Government Of Bihar,
Patna.
3. Director I.C.D.S. Integrate Child Development Scheme, Patna
4. The District Magistrate/ Collector Bhagalpur.
5. District Programme Officer, Bhagalpur.
6. Child Development Programme Officer C.D.P.O, Samhaulla, Bhagalpur
7. Sabita Devi W/O Sheopujan Bhagat R/O Village Bajechak, P.S- Samholla,
Distt- Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajni Kant Jha, Adv Mr. Prisu Snehil, Adv
For the Respondent/s	:	Mr. Avnish Nandan Sinha Mr. Hansraj, Adv

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CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

10 23-06-2026

Heard the learned counsel for the parties.

2. The present writ petition has been filed for the
following relief(s):-

*“A. A writ in the nature of certiorari or any
other appropriate writ/writs, order/orders,
direction, quashing the order dated
16.08.2013 as contained in Memo No. 249
issued from the office of respondent No. 5 as
contained in Annexure-7 to the writ
application.*

B. A writ in the nature of a mandamus or



any other appropriate writ/writs, order/orders, direction commanding the respondents not to give effect to the orders as contained in Annexure-7 to the writ application.

C. To any other relief/reliefs to which the petitioner may be found to be entitled to.”

3. At the outset, the learned counsel appearing on behalf of the petitioner submits that the impugned order passed in miscellaneous (Anganbari) Appeal Case No. 108 of 2010-11 by the Collector, Bhagalpur on 26.07.2013 is wholly without jurisdiction since prior to passing of the order dated 26.07.2013, an amendment was made on 17.05.2013 with regard to hearing the cases related to the selection of Anganbari Sevika/Sahaiyka. He submits that as per the said amendment, an appeal against the order passed by the District Programme Officer is maintainable before the Deputy Director, Welfare or the person authorized by the Commissioner of the concerned division. He submits that since the amendment was carried out on 17.05.2013 and the order was passed by the Collector on 26.07.2013, therefore, the same is wholly without jurisdiction, since after coming into force of the amendment, the Collector was not competent authority to pass the order.

4. The learned counsel appearing on behalf of the



private respondent no. 7 and the State fairly submits that the fact remains that an amendment was carried out on 17.05.2013 and therefore, the matter should have been heard by the competent authority.

5. In view of the limited submissions made by the learned counsel for the petitioner, this Court is of the view that the order passed by the Collector, Bhagalpur on 26.07.2013 in Miscellaneous (Anganbari) Appeal Case No. 108 of 2010-11 needs to be set aside and is accordingly set aside.

6. The matter is remitted back to the concerned authority to take a decision afresh in terms of the amendment carried out on 17.05.2013. The concerned authority who is competent to pass the necessary order, after giving notice to the concerned parties, including the petitioner and the respondent no. 7 and after hearing them will take a decision in accordance with law within a period of four months from the date of receipt/production of a copy of the order.

7. It is clarified that memo no. 249 dated 16.08.2013 will abide by the fresh decision to be taken by the authority concerned, who is competent to take the decision in terms of amendment dated 17.05.2013.

8. With the aforementioned observations and



directions the present writ petition is disposed of.

9. Pending applications, if any, shall also stands disposed of.

(Ritesh Kumar, J)

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