

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.357 of 2021

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Kumari Sonam Madheshiya W/o Durgesh Kumar Gupta Resident of Village-Selar Khurd Ward No. -2, Gram Panchayat and P.O.- Paikauli Baddo, P.S.- Phulwaria, District- Gopalganj, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Social Welfare, Govt. of Bihar, Patna.
2. The District Magistrate Gopalganj, Bihar.
3. The District Program Officer I.C.D.S. Gopalganj.
4. The Child Development Project Officer Fulwariya, Gopalganj.
5. Sabbu Praveen W/o Saddam Hussain Resident of Village Selar Khurd, Ward No. 1, Gram Panchayat Raj Paikauli Bada, P.S.- Fulwaria, District- Gopalganj, Bihar.
6. Mrs. Sazida Khatoon The Lady Supervisor, CDPO Office, Fulwaria, Gopalganj.
7. Mrs. Tetri Devi Ward Member, Ward No. 02- cum- Chairman, Selection Committee, Aganbadi Centre for Ward No. 2, Village Selar Khurd, Gram Panchayat Raj Paikuli Baddo, P.S.- Fulwaria, District- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Yashraj Bardhan, Advocate
For the Respondent/s : Mr. Sunil Kumar Mandal, SC 3

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 10-03-2022

Heard learned counsel for respective parties.

In the instant petition, petitioner has prayed for the following relief(s):-

“For issuance of appropriate writ or writs in the nature of certiorari quashing the order dt. 18.10.2019 passed by the District



Magistrate, Gopalganj in Anganbadi Appeal Case No. 11/2018 whereby he set aside the earlier order of District Program Officer, I.C.D.S., Gopalganj dt. 05.05.2018 issued by Memo No. 1198, dt. 14.07.2018 and remanded the matter again to the District Program Officer with observation not sustainable in facts as well as law and further for quashing the order dt. 24.07.2020 passed in Appeal Case NO. 162/2019 upon such remand as above, by the District Program Officer, Gopalganj and further prays for issuance of appropriate writ or writs in the nature of mandamus commanding the respondents to consider and to appoint the petitioner to the post of Anganbadi Sevika. on Anganbadi Centre of Ward No. 02 falling within village Selar Khurd of Gram Panchayat Raj Paikauli Baddo under Phulwaria Block of Gopalganj District, in light of the facts and law.”

Learned counsel for the respondents raised preliminary issue that the petitioner has a remedy of appeal before the District Magistrate in terms of Circular dated 04.04.2014.

Accordingly, the present writ petition stands disposed off reserving liberty to the petitioner to file an appeal before the appellate authority within a period of eight weeks from the date of receipt of this order. The appellate authority is hereby directed to decide the petitioner's appeal after giving opportunity of hearing to fifth respondent-Sabbu Praveen. The above exercise



shall be completed within a period of four months from the date of receipt of petitioner’s appeal.

(P. B. Bajanthri, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

