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**(2020) 01 PAT CK 0260**

**In the Patna High Court**

**Case No : Civil Writ Jurisdiction Case No. 149 Of 2020**

Sarita Devi @ Sarita Kumari

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

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**Date of Decision :** 17-01-2020

**Acts Referred:**

**Citation :** (2020) 01 PAT CK 0260

**Hon'ble Judges :** Anjana Mishra, J

**Bench :** Single Bench

**Advocate :** Arun Kumar Singh, Dharmendra Kumar Singh, Md.Raisul Haque

**Final Decision :** Disposed Of

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## **Judgement**

1. Heard learned counsel for the petitioner and the learned counsel appearing on behalf of the State.

2. The present writ application has been filed for a direction to the District Magistrate, Bhojpur at Ara (respondent No.3) to dispose of the petitioner's appeal, bearing Anganbari Appeal No.36/2019 filed on 24.07.2019 against the order dated 26.06.2019 contained in Memo No.1024 passed by respondent No.4 in Anganbari Case No.57/2018 based on a complaint lodged by respondent No.7.

3. Learned counsel for the petitioner submits that though the petitioner's appeal has been pending since 24.07.2019 against the order dated 26.06.2019, the matter has drifted and as a result thereof, the petitioner's appointment is hanging in balance. Learned counsel for the petitioner submits that she was only a candidate belonging to the Backward Caste and had higher merit marks than other candidates and, therefore, in the meeting of Aam Sabha held on 18.06.2018, the petitioner was selected as an Anganbari Sewika for Centre Code-208, Ward No.3 of Gram Panchayat-Basauri. She was also issued selection letter on 18.06.2018.

4. However, one other applicant-respondent No.7 being aggrieved by the

petitioner's selection, moved before respondent No.4, which was registered as Anganbari Case No.57 of 2018. The petitioner filed her objection in the aforementioned case, but despite all her explanations, the petitioner's selection as Angabwari Sewika was cancelled vide order dated 26.06.2019 contained in Memo No.1024 issued by respondent No.4 and which forms the basis of the appeal pending as on date.

5. Learned counsel for the petitioner submits that the pendency of the Anganbari Appeal No.36/2019 has now resulted in the petitioner's not being able to join the post and it is logical and in the interest of justice that the appeal should reach to its logical conclusion. He therefore submits that the appeal be disposed of expeditiously and appropriate direction be issued for the same. It is also submitted by the learned counsel for the petitioner that in her place now vide order dated 26.06.2019, respondent No.7 has been appointed which has caused serious prejudice to the petitioner.

6. Be that as it may, it would be appropriate and in the interest of justice that Anganbari Appeal No.36 of 2019 be taken up expeditiously by the District Magistrate, Bhojpur. It is therefore directed that the petitioner shall appear before the District Magistrate, Bhojpur within a period of two weeks from the date of receipt/production of a copy of this order and the District Magistrate shall hear all parties and dispose of the appeal in accordance with law positively within a period of six weeks thereafter.

7. With the aforementioned directions, the writ application stands disposed of.