

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3384 of 2015

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1. Rinku Kumari Wife of Manoj Kumar, resident of village Ghashi Bigha Garaur,
P.O. Garaur, Police Station Chhabilapur, District Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar through the principal Secretary Department of Social Welfare,
Govt. of Bihar, Patna.
2. The Director Integrated child Development Scheme, Bihar, Patna.
3. The Divisional Commissioner, Patna Division, Patna.
4. The District Magistrate, Nalanda at Biharsharif.
5. The District Programme Officer, Nalanda.
6. The Child Development Project Officer, Rajgir Nalanda.
7. Susaina Devi wife of resident of village Ghashi Bigha Garaur, P.O. Garaur,
Police Station Chhabilapur, District Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh

For the Respondent/s : Mr. GP17- Binodji Verma

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 09-03-2015

Selection of the petitioner on the post of Aanganbari Sevika was contingent selection. The vacancy was created because to removal of the previous Aanganbari Sevika. The said order was challenged right up till the Divisional Commissioner. The Divisional Commissioner found the orders of the subordinate authorities to be illegal and set aside the decision of removal. That created a right of the previous Aanganbari Sevika to be restored and claim her post. Naturally, the petitioner has been removed. Now, the petitioner has approached the Court.

Since the selection of the petitioner was not in absolute

term but was contingent because of the vacancy created due to removal of previous Aanganbari Sevika, on her return the petitioner will have to make a room for the previous appointee. Petitioner does not get an independent right to continue.

No interference is warranted with the decision. Writ, therefore, is dismissed.

(Ajay Kumar Tripathi, J)

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