

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.112 of 2015

In

Civil Writ Jurisdiction Case No. 6890 of 2014

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Smt. Nirmala Devi W/o Late Balmiki Singh R/o Village- Narbirpur, Post-
Narhi- Chandi, P.S.- Chandi, District- Bhojpur (Ara)

.... Petitioner/s

Versus

1. The State of Bihar
2. District Programme Officer, Bhojpur, Ara
3. District Magistrate, Bhojpur, Ara
4. Deputy Director, Welfare, Patna Division, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha, Advocate

For the Respondent/s : Mr. AC to SC 6

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 11-03-2015

Heard the parties.

The present application has been filed seeking restoration of CWJC No. 6890 of 2014 which stood dismissed for want of prosecution by order dated 19.12.2014.

The aforesaid CWJC No. 6890 of 2014 was filed on 07.04.2014 assailing the validity of the order dated 17.12.2013 passed in Anganwari Appeal No. 50/2011-12, whereby the aforesaid appeal filed on behalf of the petitioner was dismissed and the order dated 13.02.2012 passed by the District Programme Officer, Bhojpur, Ara cancelling the selection of the petitioner on the post of Anganwari Sevika was affirmed.

Though selection of the petitioner on the post of Anganwari Sevika was cancelled on 13.02.2012 and since then more than three years have elapsed, but the petitioner has not brought on the record all the subsequent developments which have taken place after the aforesaid order dated 13.02.2012. It has also

not been stated that the post of Anganwari Sevika for the Anganwari Centre in question is still vacant. Against one post of Anganwari Sevika, selection of two persons cannot be made.

In above view of the matter, this Court is of the opinion that in stead of restoring the aforesaid CWJC No. 6890 of 2014 to its original file, the interest of justice shall be subserved if the petitioner is granted liberty to file a fresh writ petition in the same subject matter after bringing on record all the subsequent developments which have taken place after the order dated 13.02.2012 when selection of the petition on the post of Anganwari Sevika was cancelled. It is ordered accordingly.

If such a writ petition is filed on behalf of the petitioner with a certified copy of the present order within a period of two months, the same shall be heard and decided on its own merit without being prejudiced or influenced by the order dated 19.12.2014 passed in CWJC No. 6890 of 2014 and that shall not be dismissed on the ground of resjudicata.

The present application is finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

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