

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1412 of 2014

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1. Kaushalya Devi @ Kaushalya Kumari Wife Of Shri Ashok Kumar Resident Of
Village: Keshopur, P.S.: Barun, District: Aurangabad

.... Petitioner/s

Versus

1. The State Of Bihar Through The Divisional Commissioner, Magadh Division,
Gaya, District: Gaya
2. The District Magistrate, Aurangabad
3. The Sub-Divisional Officer, Aurangabad
4. The District Programme Officer, Aurangabad
5. The Child Development Project Officer, Barun Block, District: Aurangabad
6. The Mukhiya Gram Panchayat Kochadh, Block- Barun, District: Aurangabad
7. The Panchayat Secretary, Gram Panchayat Kochadh, Block: Baran, District:
Aurangabad
8. Smt. Rita Kumari Wife Of Rakesh Kumar Singh Resident Of Village: Keshopur,
P.O. Sone Nagar, P.S. Barun, District: Aurangabad

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. ANIL KUMAR SINHA

For the Respondent/s : Mr. RAJ NANDAN PRASAD

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 13-02-2015

13.02.2015

Heard learned counsel for the parties.

Merely because the earlier selection of the private-respondent has been set aside, it does not mean that the petitioner gets a right for appointment on the post of Anganbari Sevika. The transaction after the selection of the private-respondent was completed. If a vacancy has been caused, a fresh advertisement and process of selection would be required to be initiated. The Court is not convinced that the petitioner can be put in the place of the private-respondent in the vacancy, so

caused, because it is not the case of a wait-list or a right created due to removal of the petitioner on the basis of such a wait-list. The vacancy and the selection relates to the year 2007. Much has happened thereafter. More eligible persons would be available, who can offer themselves for consideration. The only way out is to advertise and carry out the selection process in terms of the guidelines in existence as of now. Claim of the petitioner for appointment, therefore, is required to be rejected, so is the writ application.

Before parting, it is clarified that dismissal of the writ application of the petitioner in the above-mentioned background will not be an impediment, provided she fulfills the eligibility criteria.

This writ application is dismissed. A final decision, which may be rendered in C.W.J.C. No. 9825 of 2010 with regard to removal of private-respondent is another issue.

(Ajay Kumar Tripathi, J.)

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