

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8216 of 2015

=====

Sulochana Devi W/o Daulat Bishwas R/o Village- Sonbarsa , Ward No. - 11, P.O. & P.S.- Sonbarsa Raj District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Director, I.C.D.S. Social Welfare Department, Govt. of Bihar, Patna.
3. The Collector, Saharsa
4. The Commissioner, Koshi Division, Saharsa.
5. The District Programme Officer, Saharsa.
6. The Deputy Director Welfare, Koshi Division, Saharsa.
7. The Child Development Project Officer, Sonbarsa Block, District - Saharsa.
8. Smt. Tika Devi W/o - Late Saburi Sah R/o - Ward No. - 5, Village + P.O.+ P.S.- Sonbarsa Raj, District- Saharsa, PIN - 852129

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Dr. Rajesh Kumar Singh

For the Respondent/s : Mr. Binodji Verma, GP-17

=====

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 05-08-2015

Heard learned counsel for the parties.

2. This Court is not inclined to interfere with the impugned order removing the petitioner from the post of Anganbari Sahayika inasmuch as the Child Development Project Officer, Sonbarsa, while passing such an order on 06.04.2015, was helpless because the earlier appointee of the post, namely, Tika Devi, respondent no. 8, who had been working on that very post on which the petitioner was later on appointed, was removed from service but her appeal was allowed by the appellate authority on the strength of which she got reinstated on her post held by the petitioner in the interregnum period inasmuch as if there was only

one vacancy on which post respondent no. 8 was earlier continuing as Anganbari Sahayika for years together before she was dismissed and later on reinstated in view of the order of the appellate authority.

3. In that view of matter, this Court would not find any merit in this writ application and it is, accordingly, dismissed.

4. Nothing said in this order, however, will come in the way of the authorities concerned to consider the case of appointment of the petitioner afresh on any other vacancy of Anganbari Sahayika on the basis of her earlier selection if the same is in conformity with the new requirement on any post of Anganbari Sahayika inasmuch as the petitioner can not be held to be disqualified for her such fresh appointment undertaken by way of fresh process of selection on the ground of her termination of service without any stigma and only because of reinstatement of service of the respondent no. 8.

(Mihir Kumar Jha, J)

Sujit/-

U			
---	--	--	--