

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11476 of 2011

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Kiran Kumari W/O-Sri Shailendra Kumar Jha, Vill-Lalapur, P.O-Bhawanipur, P.S-Antichak (Kahalgaoon), Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Welfare Department Govt. of Bihar, Patna
3. The Commissioner cum Secretary, Human Resources Development Department, Bihar, Patna
4. The Director, Primary Education, Human Resources Development Department, Bihar, Patna
5. The Deputy Director Social Welfare Dept. Bihar Patna
6. The Divisional Commissioner Bhagalpur
7. The Dist. Magistrate Bhagalpur (Bihar)
8. The Dist. Programming Officer Bhagalpur (Bihar)

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. RAJENDRA KUMAR JAIN

For the Respondent/s: Mr. Uday Shankar Sharan Singh, GP1

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 24-08-2015

So long Annexure-12, which is the order of the learned Single Judge, stands, Ashalata Kumari cannot be removed from her post because any indulgence shown to the petitioner will have the effect of either diluting or overriding the order rendered by another coordinate Bench. The Court, therefore, would not show any indulgence to the petitioner by giving a direction for appointment by removing Ashalata Kumari.

The respondents, however, in the counter affidavit have taken stand that at present there is no vacancy available which is

required to be filled up. However, the case of the petitioner would be considered as and when vacancy arises.

Let the respondents do the needful in view of the stand taken in the counter affidavit with regard to the petitioner as and when vacancy arises. No other relief can be granted to the petitioner beyond the observation indicated above.

Writ application is disposed of with above observation.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

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