

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1421 of 2012

IN

Civil Writ Jurisdiction Case No. 78 of 2012

Mostt. Anjana Kumari, Wife of Late Sanjiv Kumar Sahi, resident of Village- Sahtha, Police Station- Bhagwanpur, District- Vaishali. Appellant.

Versus

1. The State of Bihar through the Secretary, Social Welfare State of Bihar at Patna.
2. The Commissioner, Tirhut Division, Muzaffarpur.
3. The Collector, Vaishali.
4. The District Programme Officer, Vaishali at Hajipur.
5. The Child Development Project Officer, Bhagwanpur, Vaishali.
6. Baby Kumari Wife of Bharat Bhushan, resident of Village- Sahtha, Police Station- Bhagwanpur, District- Vaishali. Respondents.

Appearance :

For the Appellant : Mr. Abhay Kumar
Mr. Devendra Kumar Singh
For the Respondents : Mr. J.P. Karn, Adv.

CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 05-08-2015

We have heard learned counsel for the appellant, who was the unsuccessful writ petitioner. We have perused the judgment of the learned Single Judge and see no reason to interfere in the matter for the simple reason that the writ petitioner/appellant had been appointed on the vacancy caused by dismissal of private-respondent no.6. The dismissal having been held to be illegal and wrong as a necessary consequence respondent no.6 had to be reinstated. The consequence would then be the writ petitioner/appellant who was now enjoying the post which was earlier held to be

respondent no.6 had to be displaced, as if there was no vacancy for writ petitioner/appellant.

For the reasons aforesaid, we are not inclined to interfere in this matter. Accordingly, this appeal is dismissed.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

Trivedi/NAFR

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