

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16036 of 2015

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Lakshmeena Kumari @ Lakshmeena Devi w/o - Nagendra Bind, resident of
Village- Madaicha, P.S.- Rampur, Dist- Kaimur,

.... Petitioner/s

Versus

1. State of Bihar through the Director ICDS, welfare Department, Patna, Bihar.
2. The Dy. Director, Welfare Department, Patna, Bihar.
3. The District Magistrate, Kaimur.
4. The District Programme Officer Kaimur.
5. The C.D.P.O, Kaimur.
6. The Mukhiya Gram Panchayat Raj Madaicha, Block- Rampur, Dist.- Kaimur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bijay Shankar Choubey, Advocate.

For the Respondent/s : Mr. A.K.Chaudhary, AAG 13

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 29-10-2015

Heard learned counsel for the parties.

2. Having regard to the fact that the petitioner is actually whipping a dead horse inasmuch as the termination of the petitioner from the post of Anganbari Sevika has been made way back in the year 2008, this Court is not inclined to direct the authorities to re-open the matter, but then if the petitioner has filed any appeal and as per the order of the appellate authority, the matter has been remitted back to the original authority, namely, the District Programme Officer, he must do the needful by way of complying the order of the appellate authority, preferably within a period of six months from the date of receipt of a copy of this order.

3. Let it be, however, made clear that this Court has not gone into the merits of the claim of the petitioner and, therefore, it will be open for the District Programme Officer to take his own decision strictly in accordance with law wherein he must be guided by the facts as to whether any person has been appointed after removal of the petitioner from the post of Anganbari Sevika in the year 2008 and if such person has already been appointed, any order by the District Programme Officer must be passed after giving opportunity of hearing to that person appointed in place of the petitioner.

4. With the aforementioned observation and direction, this writ application is disposed of.

(Mihir Kumar Jha, J)

Sujit/-

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