

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 12912 of 2008

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Shanti Devi wife of Ramchandra Tiwari, resident of Mohalla –
Puranichauk, Babhan Toli, P.S. Gopalganj, District – Gopalganj.

.... Petitioner

Versus

1. The State of Bihar
2. Commissioner, Saran Division at Chapra, District Chapra.
3. Collector, District – Gopalganj, Gopalganj.
4. Laxmi Rani Shrivastava wife of not known Gram Sevika,
Uchakagaon, Block Office, P.S. Uchakagaon, District Gopalganj.
5. Sarswati Tiwari, wife of not known Gram Sevika, Majha Block office,
P.S. Majha, District – Gopalganj.
6. Neelam Kumari wife of not known, Gram Sevika, Hathua Block
office, P.S. Hathua, District – Gopalganj.
7. Pushpa Kumari, wife of not known Gram Sevika, Kuchaikot Block
office, P.S. – Kuchaikot, District – Gopalganj.
8. Punam Kumari wife of not known, Gram Sevika, Vijaipur Block
office, P.S. Vijaipur, District – Gopalganj.
9. Kanti Kumari wife of not known Gram Sevika, Bhorey Block office,
P.S. Bhorey, District – Gopalganj.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. A.K.Singh Tarun
Mr. Shri Krishna Sinha

For the Respondent/s : Mr. Kumar Alok (SC-8)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5. 01-09-2015 Heard Sri A.K.Singh Tarun, learned counsel for the
petitioner and Sri Kumar Alok, learned Standing Counsel – 8.

The petitioner, invoking writ jurisdiction of this Court
under Article 226 of the Constitution of India, has prayed for
directing the respondents to absorb and regularize her, as Gram
Sevika, in view of the fact that she was a Gram Sevika and her
services was terminated. The petitioner assailed the termination
order before this Court by filing a writ petition, vide C.W.J.C. No.



585 of 2002 and a Bench of this Court, while disposing of the writ petition by its order dated 04-05-2006, categorically observed that this Court shall not interfere with the order of the termination. However, learned counsel for the petitioner submits that by the same order, this Court had observed that the petitioner should be considered when regular appointments would be made and desirability of relaxing the age will be taken into consideration by the authority concerned, if she is selected to be appointed. Taking clue from this observation, he submits that from the same merit list, the petitioner was required to be appointed since from the same list, the persons, who were placed lower than the petitioner in the list, were appointed and as such, a prayer has been made for directing the respondents to appoint and regularize her.

Sri Kumar Alok, learned State counsel opposing the prayer of the petitioner submits that even after disposal of the writ petition, whereby this Court has not interfered with petitioner's termination order, vide C.W.J.C. No. 585 of 2002, the petitioner preferred an appeal, vide L.P.A. No. 616 of 2006, which too stood dismissed.

Learned counsel for the petitioner does not dispute that petitioner's appeal was dismissed by the Division Bench.

So far as observation of this Court, it does not mean

that petitioner’s case was directed to be considered from the same merit list, rather it appears that it was observed that at the time of regular appointment, by way of giving age relaxation, the petitioner’s case can be considered.

In view of the facts and circumstances, particularly; the fact that the petitioner was already terminated, which was approved by this Court, there is no point for issuance of any direction in favour of the petitioner.

The writ petition stands dismissed.

(Rakesh Kumar, J.)

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