

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7951 of 2014

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Savitri Devi, Wife of Satyendra Yadav and Daughter in law of Ram Sudani Yadav,
resident of village- Khaira Patti Police Station- Simari, District- Buxar

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Collector, Buxar
3. The Sub-Divisional Officer, Buxar
4. District Programme Officer, Buxar
5. The Senior Deputy Collector cum Incharge Officer Block Simari, District-
Buxar
6. The Child Development Project Officer, Block Simari, District- Buxar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rang Nath Choubey

For the Respondent/s : Mr. Deepak Sahay Jamuar, AC to AAG-6

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA

ORAL JUDGMENT

Date: 30-01-2015

Heard the parties.

The petitioner is aggrieved by the order dated 15.01.2014 (Annexure-1) passed by the respondent District Magistrate, Buxar in Misc.Case No.13 of 2013, whereby he has rejected the claim of the petitioner and has affirmed the order passed by the District Programme Officer, Buxar cancelling the selection of the petitioner on the post of Anganwari Sevika of the Anganwari Centre no.52, Khairapatti in the district of Buxar on the ground of certain charges of irregularities committed by her for running the Anganwari Centre in question.

Apparently, the selection of the petitioner on the post of Anganwari Sevika was cancelled by the respondent District Programme Officer, Buxar by the order dated 06.10.2010 (Annexure-2) on the ground of certain charges of irregularities against her. She being aggrieved by the aforesaid order moved before this Court in

CWJC No.14019 of 2011, which was finally heard and disposed of by a Bench of this Court by an order dated 11.01.2013 (Annexure-3) and the respondent District Magistrate, Buxar was directed to decide the matter expeditiously in accordance with law.

In the light of the aforesaid direction of this Court, the matter was considered by the respondent District Magistrate, Buxar. The petitioner was given full opportunity of hearing. She raised all the points in support of her defence and for assailing the order passed by the respondent District Programme Officer, Buxar. After considering the entire materials, the respondent District Magistrate, Buxar by the impugned order dated 15.01.2014 (Annexure-1) has rejected the claim of the petitioner and has affirmed the order passed by the respondent District Programme Officer, Buxar.

Learned counsel appearing on behalf of the petitioner submits that, in view of the subsequent guidelines issued by the State Government on 16.05.2013 (Annexure-5), now the District Magistrate, Buxar was not the prescribed authority to decide the aforesaid case and, therefore, the order impugned is not sustainable in law.

I am afraid the submissions made on behalf of the petitioner are completely misconceived and cannot be countenanced. Admittedly, the matter was remitted back by an order of this Court, as contained in Annexure-3. The petitioner participated in the entire proceeding before the respondent District Magistrate and waited for a favourable order, and once the order has gone against her she is assailing the impugned order on the ground of lack of power vested in the District Magistrate. It is well settled by catena of decisions of this Court as well as the Hon'ble Apex Court that once a party submits/surrenders to the jurisdiction of an authority/court for

adjudication of any dispute and waits for a favourable order, then once the matter is finally decided such person cannot be permitted to raise the question of jurisdiction/power of such authority/court. Admittedly, the petitioner was not holding any civil post as she was selected on the post of Anganwari Sevika on honorarium basis under a scheme of the Government. The Hon'ble Apex Court has held that the Anganwari Sevika/Sahayika are only the agents of the State and they do not have the protection of Article 311 of the Constitution of India.

For the reasons recorded above, this Court is not inclined to interfere with the impugned order dated 15.01.2014 (Annexure-1) passed by the respondent District Magistrate, Buxar.

Accordingly, the writ petition is dismissed, but there shall be no order as to costs.

However, if the post is still vacant, the respondent District Programme Officer, Buxar shall start a fresh selection process without any unnecessary further delay and shall be concluded expeditiously, as per the existing guidelines issued by the State Government.

(Birendra Prasad Verma, J)

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