

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.468 of 2014

In
Civil Writ Jurisdiction Case No. 21010 of 2012

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Sugandha Devi Wife Of Sri Saroj Kumar Resident Of Village And Post-
Chaturbhuji Piprahi, Bhaya Laukha, P.S. Laukha, District- Madhubani

.... Appellant

Versus

1. The State Of Bihar
2. The Deputy Secretary, Social Welfare Department, Bihar, Patna
3. The Commissioner, Darbhanga Division, Darbhanga
4. The District Magistrate, Madhubani
5. The District Programme Officer, Madhubani
6. The Child Development Project Officer, Khutauna, Madhubani
7. The Mukhiya-Cum-Chairman, Gram Panchayat Chaturbhuji Piprahi,
Block Laukaha, District Madhubani

.... Respondents

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Appearance :

For the Appellant : Mr. Bindhyachal Singh, Advocate
Mr. Umesh Kumar, Advocate
For the Respondent Nos.1-6: Mr. Sunil Kr. Mandal, S.C.-24
Mr. Bipin Kumar, A.C. to S.C.-24

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI
and
HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE I. A. ANSARI)

3. 29-01-2015 This intra-Court appeal has been preferred against the order, dated 06.02.2014, passed in C.W.J.C. No. 21010 of 2012, whereby the learned single Judge has dismissed the writ petition of the appellant.

We have heard Mr. Bindhyachal Singh, learned counsel, appearing on behalf of the appellant, and Mr. Sunil Kumar Mandal, learned Standing Counsel No.25, appearing for the respondent Nos. 1 to 6. None has appeared on behalf of

respondent No.7.

At the time of admission-hearing of this appeal, it transpires that the District Magistrate, Madhubani, rendered a finding that the Ward, where selection, in question, took place for Anganbari Sevika, was dominated by the Scheduled Caste and that the Panchayat Sewak and Mukhiya of the Gram Panchayat concerned manipulated the proceeding of the Gram Sabha and shown that there was no eligible candidate belonging to Scheduled Caste in order to accommodate the appointment of the petitioner, i.e., the appellant herein, to the post of Anganbari Sevika, though the writ petitioner-appellant belongs to Backward Class. This finding of the District Magistrate, Madhubani, which was affirmed by the jurisdictional Commissioner, was not challenged in the writ petition.

It is, now, submitted on behalf of the appellant, that considering the fact that the District Magistrate's findings were not challenged in the writ petition, this appeal may be allowed to be withdrawn with liberty to make appropriate application, in the writ Court, seeking review of the order, dated 06.02.2014, by putting to challenge the said findings of the District Magistrate, Madhubani.

To the submissions, so made, no serious objection

has been raised on behalf of the respondents.

In view of the above and in the interest of justice, this appeal is disposed of as withdrawn with the liberty granted to the appellant to make appropriate application for review of the order under appeal on such ground as may be permissible in law.

(I. A. Ansari, J)

(Chakradhari Sharan Singh, J)

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