

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.315 of 2011

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Surjeet Kumari, W/O Sri Pankaj Kumar, Resident Of Village Lohanda, P.O. Bhobhi, Police Station Hilsa, District Nalanda.

.... Petitioner

Versus

1. The State Of Bihar Through Its Chief Secretary, Bihar, Patna.
2. The Secretary, Social Welfare Department, Government Of Bihar, Patna.
3. The Director, Integrated Child Development Scheme (I.C.D.C.), Government Of Bihar, Patna.
4. The District Magistrate Cum Collector, Nalanda.
5. The District Programme Officer, Nalanda.
6. The Child Development Project Officer (C.D.P.O.) Hilsa, Nalanda.
7. The Sub Divisional Officer, Hilsa, Nalanda
8. The Deputy Collector, Legal, Nalanda.
9. Asha Kumari W/O Sri Rambalak Paswan Resident Of Village Lohanda, P.O. Bhobhi, P.S. Hilsa, District Nalanda.

.... Respondents

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Appearance :

For the Petitioner : Mr. Amresh, Advocate
For the State : Mr. Y.P. Sinha, A.A.G
For the Respondent no. 9 : Mr. Surendra Kr. Mishra, AOR 01739

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 02-08-2016

Heard Mr. Amaresh, learned Counsel for the petitioner, Counsel for the State and Counsel for the private respondent.

The petitioner is aggrieved by the order bearing no.629 dated 19.07.2010 whereby her services as *Anganwari Sevika*, *Anganwari Kendra* no. 118 situated at village Lohanda in the district of Nalanda has been dispensed with on grounds that the since removed *Anganwari Sevika* namely Asha Kumari W/o Ram Balak



Paswan, in whose place the petitioner had been appointed, was reinstated under the orders of the Collector dated 26.06.2010, a copy of which is placed on record vide Annexure-B to the counter affidavit filed on behalf of the respondent no. 9. The reasons assigned in the order dispensing with the services of the petitioner is supported from the proceedings of the appointment committee, a copy of which is placed at Annexure-2 and a cursory glance of the agenda no. 3 would manifest that while the candidature of the petitioner for the appointment in question was being considered by the committee, it was pointed out by the husband of the removed *sevika* Asha Kumari that her case was pending consideration before the District Magistrate. The Committee yet proceeded to make appointment of the petitioner in the vacancy caused by the removal of Asha Kumari. Meaning thereby the appointment of the petitioner was subject to the outcome of the challenge by the said Asha Kumari, of her removal. The counter affidavit filed on behalf of the respondent no. 9 encloses an order of the District Magistrate passed on 26.06.2010 at Annexure-B restoring the services of the said Asha Kumari. The order of the District Magistrate, Nalanda also reflects that the said Asha Kumari had been removed from the post of *Anganwari Sevika*, *Anganwari Kendra* no. 118 (Lohanda) in the district of Nalanda which is the post on which the petitioner had been appointed.

Having heard learned counsel for the parties and considering the reasons assigned for dispensing with the services of the petitioner, I am not persuaded to interfere with the order impugned in the writ petition because it suffers from no infirmity.

The writ petition is accordingly disposed of. The petitioner would however be at liberty to apply against any future advertisement, and the dispensation of the services of the petitioner herein would not prejudice her consideration.

(Jyoti Saran, J.)

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