

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1456 of 2015

Arising out of

Civil Writ Jurisdiction Case No. 2810 of 2011

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Nadira Muslim, W/o Md. Shahjahan, Resident of Village Khaira, P.S. Shahkund,
District Bhagalpur.

.... Appellant

Versus

1. The State of Bihar through Principal Secretary, Social Welfare Department,
Government of Bihar, Old Secretariat, Patna.
2. Director, I.C.D.S. Social Welfare Department, Government of Bihar, Old
Secretariat, Patna.
3. Divisional Commissioner, Bhagalpur Division, Bhagalpur.
4. District Magistrate-cum-Collector, Bhagalpur.
5. District Programme Officer, Bhagalpur.
6. C.D.P.O., Shahkund, District Bhagalpur.
7. Mukhiya, Gram Panchayat Khaira, Shahkund, Bhagalpur.
8. Shajda Tabbassum, wife of Abdul Wahab, Resident of Village- Khaira, P.S.-
Shahkund, District- Bhagalpur.

.... Respondents

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Appearance :

For the Appellant : Mr. Dharendra Nath Jha, Advocate.

For the Respondents :

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 27-04-2016

Heard learned counsel for the parties.

2. The order dated 9th of September, 2013 passed by the learned

Single Bench of this Court in C.W.J.C. No. 2810 of 2011 is subject matter of challenge in the present Letters Patent Appeal.

3. It has been found by the learned Single Bench that the appellant did not apply for appointment as Anganwadi Sevika but was appointed by *Aam Sabha* where she made an application at that point of time only.

4. Learned counsel for the appellant points out that the appellant was the sole applicant in the second *Aam Sabha*. In the first *Aam Sabha* two candidates were recommended but their appointment could not be finalized. Therefore, it cannot be said that the appellant has been appointed in an illegal manner.

5. We find that the *Aam Sabha* could not entertain any application at the spot without giving opportunity to all the eligible candidates to apply and then to consider their suitability. There is nothing on record to show that *Aam Sabha* has invited applications on or before appointed day and then considered the suitability of the candidates. The manner in which *Aam Sabha* conducted proceedings was not fair and reasonable. Consequently, the learned Single Judge has rightly interfered with the order of appointment of the appellant and set aside the same.

6. We do not find any illegality in the order passed by the learned Single Bench which may warrant interference in the present intra court appeal.

7. The Letters Patent Appeal is, thus, dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

P.K.P./Anjani
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