

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17427 of 2011

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Sunita Devi wife of Shri Binod Kumar Mandal resident of Village Madhuban, P.S
Madhepura Distt.-Madhepura

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Secretary, Department Of Social Welfare, Govt. Of Bihar, Patna
3. The Director, Social Welfare, ICGS, Directorate Govt. Of Bihar, Patna
4. The Commissioner Koshi Pramandal, Saharsa
5. District Magistrate Madhepura
6. District Welfare Officer Madhepura
7. Sub- Divisional Officer Madhepura
8. C.D.P.O. Madhepura
9. Mukhiya Gram Panchayat, Madhuban Distt. Madhepura
10. Panchayat Secretary, Gram Panchayat Madhuban, Distt-Madhepura
11. Smt. Lalita Kumari wife of Amar Kumar Shah resident of Vill. Madhepura,
P.S. Madhepura, Distt. Madhepura

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rama Kant Sharma,
For the Respondent/s : Mr. Shailendra Kumar Singh
AC to GP 26

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL JUDGMENT

Date: 22-04-2016

Heard Sri Rama Kant Sharma, learned senior counsel, who

was assisted by Sri Rajesh Kumar, learned counsel for the petitioner,

learned AC to GP No. 26 as well as Sri Shailendra Kumar Singh,

learned counsel, who has appeared on behalf of the respondent no. 11.

The petitioner, invoking writ jurisdiction of this Court
under Article 226 of the Constitution of India has prayed to quash an
order dated 29.7.2011 passed in Case No. 25 of 2010 by the
Commissioner, Koshi Division. By the said order the learned
Commissioner has affirmed the order of the District Magistrate

whereby appointment of the petitioner as Anganbari Sewika and appointment of one another Anganbari Sewika was cancelled by the District Magistrate.

It appears that pursuant to selection processes initiated in the year 2005 the petitioner was selected as Anganbari Sewika , however, on complaint the matter was thoroughly examined by the District Magistrate and thereafter, by a detailed reasoned order he cancelled the appointment of the petitioner as well as one another person, which was assailed by the petitioner before the Commissioner. The learned Commissioner has affirmed the order of the Collector vide its order dated 29.7.2011.

Learned senior counsel for the petitioner submits that there was no illegality or irregularity in the selection process of the petitioner even then, the learned District Magistrate without assigning detailed reason has passed the impugned order.

In this case, a counter affidavit has been filed on behalf of the respondent no. 5.

Learned counsel for the State submits that gross illegality was committed in selection process and enquiry was got conducted and thereafter the District Magistrate has passed a detailed order. Learned State Counsel by way of referring to the order of the District Magistrate submits that even the C.D.P.O., who was the principal

supervisory authority was also directed to file show -cause by the District Magistrate since illegality was committed in the selection process.

Learned counsel appearing on behalf of the respondent no. 11 though has not filed any counter affidavit, orally submits that after the cancellation of the appointment in the year 2007 fresh selection process was initiated and thereafter respondent no. 11 has already been appointed.

Besides hearing learned counsel for the parties, I have also perused the materials available on record particularly the order of the District Magistrate which has been passed assigning detailed reason. The said order has already been approved by the revisional authority. Since the order has already been approved by the Commissioner the Court is of the opinion that at the time of exercising power of judicial review, it would be difficult for this Court to go into the details of the facts of the case. Prima facie there is no illegality in either of the orders.

The writ petition stands dismissed.

(Rakesh Kumar, J)

Praful/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	29-04-2016
Transmission Date	N.A.