

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.768 of 2014

Arising out of

Civil Writ Jurisdiction Case No. 23446 of 2012

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Kusum Kumari @ Kusum Devi wife of Dhanraj Paswan resident of Village Jhala,
P.S. Kurli, Kot, District- Kishanganj.

.... Appellant/s

Versus

1. The State of Bihar through the Secretary, Department of Welfare, Government of Bihar, Patna
2. The Director Integrated Child Development Scheme (I.C.D.S.), Bihar, Patna
3. The Divisional Commissioner, Purnea Division, Purnea
4. The District Magistrate, Kishanganj
5. The District Programme Officer (I.C.D.S.) Kishanganj
6. The Child Development Project Officer, (C.D.P.O.), Thakurganj, District Kishanganj

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Mukesh Kumar Jha, Advocate.

For the State : Mr. Md. Nasrul Huda Khan, SC-1.

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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: 27-09-2016

The grievance of the appellant is that an advertisement was published on 25.05.2011 to fill up the post of *Anganbari Sevika*. The appellant applied for *Anganbari Sevika* and the combined merit result published on 11.07.2011 but thereafter without assigning any reason, a fresh advertisement has been published on 28.08.2012. It is contended that the process of selection which has once started cannot be cancelled in the manner adopted by the respondents.

In the counter affidavit filed on behalf of the respondents before the learned Single Bench, the stand is that the process of selection was carried out without holding Aam Sabha which is a

mandatory requirement and that a fresh selection process has been set in motion which will be carried by following prevalent guidelines and rules as applicable.

We do not find any merit in the present Letters Patent Appeal. The mere fact that the appellant was the applicant in pursuance of an earlier advertisement issued will not confer any right to her for appointment as the selection process can be aborted at any point of time for good and sufficient reason. Non-holding of *Aam Sabha* is good ground for scraping the selection process. Still further, even if there was no specific order for scraping the selection process but consequent to the finding that *Aam Sabha* was not convened to complete the selection process, therefore, the issuance of fresh advertisement lead to irresistible conclusion that the earlier selection process has been scraped.

In view thereof, we do not find any merit in the present Letters Patent Appeal and the same stands dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

P. Kumar/Anjani

AFR/NAFR	NAFR
CAV DATE	N/A
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Transmission Date	N/A