

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Letters Patent Appeal No.312 of 2015  
Arising out of  
Civil Writ Jurisdiction Case No. 5227 of 2013  
Along with  
Interlocutory Application No.1401 of 2015**

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Kumari Bibha Sharma @ Bibha Devi, W/o - Sachchidanand Sharma, resident of -  
Village - Ladhpur, P.S. - Phulwaria, Distt. - Gopalganj.

.... .... Petitioner-Appellant

Versus

1. The State of Bihar.
2. The Principal Secretary, Social Welfare Department, Bihar, Patna.
3. The Director Social Welfare Department I.C.D.S., Directorate, Bihar, Patna.
4. The Commissioner, Sara Division, Chapra.
5. The District Magistrate, Gopalganj.
6. The District Programme Officer, Gopalganj,
7. The Bal Bikash Priyोजना Padadhikari, Phulwaria, Block Gopalganj.
8. The Mukhia, Bathua Bazar, Gram Panchayat, Block-Phulwaria, Gopalganj.
9. The Panchayat Secretary, Bathua Bazar Gram Panchayat, Phulwaria, Block,  
Gopalganj,
10. Smt. Kabitra Kumari, W/o - Ram Kumar Pandey, R/o Village - Ladhpur, P.S. -  
Phulwaria, Distt. - Gopalganj.

.... .... Respondents -Respondents

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**Appearance :**

For the Appellant : Mr. Yogendra Prasad Sinha, Advocate  
For the Respondents : Mr. P.K.SINGH, S.C.-12

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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: 29-04-2016**

Re.: Interlocutory Application No.1401 of 2015

The application is to seek condonation of delay of 203 days  
in filing the present appeal.

For the reasons mentioned in the application, we find that sufficient cause is shown by the appellant to seek condonation of delay of 203 days in filing of the appeal. Consequently, the delay is condoned.

Interlocutory Application stands allowed accordingly.

Re.: Letters Patent Appeal No.312 of 2015

The order dated 11.12.2013 passed by the learned Single Bench of this Court in C.W.J.C. No.5227 of 2013 is subject matter of challenge in the present Letters Patent Appeal whereby the writ application filed by the appellant challenging the appointment of respondent No.10 as Anganbari Sevika remained unsuccessful.

The grievance of the appellant is that respondent no.10 resigned as Anganbari Sevika, therefore, in terms of the policy of appointment of Anganbari Sevika, she could not have been appointed.

It is admitted fact that the name of the appellant appeared at serial no.16 of the merit list of the candidates of Anganbari Sevika. There are many more candidates more meritorious who rank higher in merit than the appellant. Therefore, even the contention of the appellant is to be accepted, but no substantive relief can be granted to the appellant as she is much below in the merit list.

In view thereof, we do not find any error in the order passed by the learned Single Bench which may warrant interference in

the present intra court appeal.

The Letters Patent Appeal thus stands dismissed.

**(Hemant Gupta, J)**

**(Ahsanuddin Amanullah, J)**

Sunil/-

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