

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16478 of 2008

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Sunaina Kumari wife of Saskal Ram, resident of village P.O. Khiriyawan,
P.S. Wazirganj, District Gaya,

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar,
Patna,
2. The District Magistrate, Gaya,
3. The C.D.P.O., Wazirganj, Gaya,
4. The Mukhiya, Sahia Gram Panchayat, Gaya,
5. Pinki Kumari, Anganwari Sevika,

.... Respondents

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Appearance :

For the Petitioner : None

For the State : Mr. Ajay Behari Sinha, SC 19,
Mr. Neeraj Raj, AC to SC 19

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

5 18-03-2016 None appears on behalf of the petitioner.

Learned counsel for the State are present.

Respondent no. 5(Pinki Kumari) was impleaded as a party in terms of the order dated 18.09.2015 and notice was directed to be issued upon her but the requisites etc. could not be filed and this application has stood dismissed as against the respondent no. 5.

Now the question is as to whether this application can proceed further in absence of respondent no. 5 or not?

Through this writ application, the petitioner seeks her appointment as Anganwari Sevika after quashing of the order of the District Magistrate contained in Annexure 4 dated

25.07.2007 by which the selection of the petitioner has been cancelled and the respondent no. 5 was directed to be appointed as Anganwari Sevika in place of the petitioner.

Now the petitioner seeks quashing of the aforesaid order which has been passed not only against the petitioner but also in favour of the respondent no. 5 and if such relief is to be granted in favour of the petitioner then the appointment of the respondent no. 5 would have to be quashed.

In my view, respondent no. 5 is the necessary party in absence of whom the relief sought in the writ petition cannot be granted to the petitioner and, thus, this application has become incompetent to proceed further.

Accordingly, this application is dismissed as having become incompetent.

(Dr. Ravi Ranjan, J)

SC/-

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