

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.235 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 21274 of 2012
Along with
Interlocutory Application No.1062 of 2015**

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Sanju Kumari@ Sanju Devi, wife of Sri Dharmendra Rai, resident of Village -
Bajitpur Chak Kasturi, P.S. - Desari, District - Vaishali (Hajipur).

.... Petitioner-Appellant

Versus

1. The State of Bihar.
2. The Director Integrated Child Development Scheme, Indira Bhawan, Patna.
3. The Commissioner, Trihut Division, Muzaffarpur, Bihar.
4. The District Magistrate, Vaishali (Hajipur).
5. The District Programme Officer, Vaishali (Hajipur).
6. The Child Development Project Officer, Sahdoibujurg, Vaishali (Hajipur).
7. The Mukhiya, Gram Panchayat Raj, Bajitpur Chak Kasturi, Block-
Sahdoibujurg, District - Vaishali (Hajipur).
8. The Panchayat Secretary, Gram Panchayat Raj, Bajitpur Chak Kasturi, Block -
Sahdoibujurg, District - Vaishali (Hajipur).
9. Mina Kumari @ Mina Devi, wife of Sri Dinesh Rai, Resident of Village -
Bajitpur Chakwa, P.S. - Desari, District - Vaishali (Hajipur).

.... Respondents- Respondents

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Appearance :

For the Appellant : Mr. Syed Firoz Raza, Advocate

For the Respondents-State : Mr. Manish Kumar, A.C. to G. P.-28

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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: 22-04-2016

Re.: Interlocutory Application No.1062 of 2015

The application is for condonation of delay of 64 days in
filing of the appeal.

For the reasons mentioned in the application, we find that
sufficient cause is disclosed for condonation of delay. Consequently,

the delay of 64 days in filing of the appeal is condoned.

Interlocutory Application stands disposed of accordingly.

Re.: Letters Patent Appeal No.235 of 2015

The order dated 7th of August, 2014 passed by the learned Single Bench in C.W.J.C. No.21274 of 2012 is subject matter of challenge in the present Letters Patent Appeal.

The appellant has sought reinstatement as Anganwari Sevika at Anganwari Centre No.62 after her services were terminated on account of reinstatement of respondent no.9 Mina Kumari @ Mina Devi.

It was in pursuance of advertisement dated 18th of July, 2009; the appellant was selected as Anganwari Sevika. The letter of appointment was issued on 09th of September, 2009. One Mina Kumari @ Mina Devi, respondent no.9, was earlier working as Anganwari Sevika at Anganwari Center No.62. She filed writ application challenging her termination of her service. This Court remanded the matter to the Commissioner, Tirhut Division, Muzaffarpur. It is thereafter, the Commissioner, Tirhut Division, Muzaffarpur allowed the appeal of Mina Kumari @ Mina Devi, respondent no.9 on 22nd of November, 2010 and consequently, the services of the appellant were terminated in the year 2010.

Earlier the appellant filed a writ application, bearing



C.W.J.C. No.2310 of 2011, before this Court to claim honorarium for the period she worked as Anganwari Sevika. The appellant did not make any grievance regarding her termination of her services as Anganwari Sevika. The said writ application was dismissed after holding that honorarium of Rs.3900/- stands already deposited in the Bank in her account. The appellant did file L.P.A. No.1664 of 2011, but it was withdrawn. It is thereafter, the appellant has filed the present writ application which stands dismissed.

Once the appellant has chosen not to dispute her termination of her service in an earlier writ application and was satisfied to claim honorarium, the appellant cannot be permitted to dispute termination of her services in a subsequent writ application. The appellant by her conduct has given up the challenge to her termination of her services when she filed earlier writ application.

In view thereof, 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.

The Letters Patent Appeal thus stands dismissed.

(Hemant Gupta, J.)

(Ahsanuddin Amanullah, J.)

Sunil/-

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CAV DATE	N. A.
Uploading Date	
Transmission Date	

