

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1193 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 12686 of 2014
Along with
Interlocutory Application No.5061 of 2015

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Archana Kumari, wife of Sri Jyoti Kumar, resident of Village- Dighi, P.S.- Konch,
District- Gaya.

.... Appellant/s

Versus

1. The State of Bihar.
2. The Director, I.C.D.S. Directorate, Govt. of Bihar, Patna.
3. The Commissioner, Magadh Division, Gaya.
4. The District Magistrate, Gaya
5. The District Programme Officer, Gaya.
6. The B.D.O. Konch, Gaya.
7. The C.D.P.O. Konch, Gaya.
8. The Panchayat Secretary, Gram Pranchayat Simra, Konch, Gaya.
9. Sabita Kumari, wife of Ajay Prasad, resident of Village Dighi Tola,
Moulaganj, P.S.- Konch , District- Gaya.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajesh Kumar, Advocate

For the Respondent/s : Mr. Raj Ballabh Pd. Yadav, A.A.G.-11
Mr. Dinesh Maharaj, Advocate

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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: 24-10-2016

Re.: Interlocutory Application No.5061 of 2015

The application is for condonation of delay of 21 days in
filing of the present Letters Patent Appeal.

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

we condone the delay in filing of the present Letters Patent Appeal.

Interlocutory Application stands allowed accordingly.

Re.: Letters Patent Appeal No.1193 of 2015

The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Bench of this Court on 12th March, 2015 whereby the writ application filed by the appellant claiming a decision to decide her representation remained unsuccessful.

One Savita Kumari was appointed as Anganwari Sevika in the Dighi Anganwari Centre, Panchayat Simra, District Gaya. Her appointment was cancelled on 30th May, 2008, but such appointment was set aside by this Court in CWJC No.16407 of 2012 (Savita Kumari Vs. The State of Bihar & Ors.) on 25th October, 2013 with a direction to take the said petitioner back on the post of Anganwari Sevika. After termination of services of Savita Kumari, the present appellant was appointed in pursuance of an advertisement dated 3rd January, 2013. Since the writ petition of Savita Kumari was allowed, the appellant has been removed from working as Anganwari Sevika.

The appellant claims that Anganwari Centre Dighi has since been bifurcated into two, therefore, the appellant can be appointed against the bifurcated part and Savita Kumari can be retained in the original Anganwari Centre.

We do not find that such claim merits acceptance. If a new

Anganwari Centre has come into existence, then such post of Anganwari Sevika can only be filled up after giving opportunity to eligible candidates to apply. Merely because the appellant was appointed as Anganwari Sevika at one stage will not confer preferential right for appointment against bifurcated part of the Anganwari Center as she was appointed only on account of vacancy which came into existence after the removal of Savita Kumari as Angwanwari Sevika.

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 is, therefore, dismissed.

(Hemant Gupta, J.)

(Ahsanuddin Amanullah, J.)

Sunil/-

AFR/NAFR	A. F. R.
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