

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1803 of 2011

With

I.A. No.241 of 2015

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Asha Kumari, wife of Shri Ajay Kishore Pandey, resident of Village- Dahiwat Hanuman Nagar, P.S. Pandaul, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Commissioner, Darbhanga Division.
3. The Collector, Madhubani.
4. The District Welfare Officer -cum- District Programme Officer, Madhubani.
5. The Child Development Project Officer, Pandaul, District- Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ratnakar Jha, Advocate

For the Respondent/s : Mr. Sanjay Kumar Ojha, AC to GP-7

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 22-11-2016

Heard Mr. Ratnakar Jha, learned counsel appearing for the petitioner and Mr. Sanjay Kumar Ojha, learned Assisting Counsel to Government Pleader No.7 for the State.

The petitioner is aggrieved by the order bearing Memo No.90 dated 22.2.2007 of the Child Development Project Officer, Pandaul, whereby the petitioner has been terminated from the post of Anganwari Sevika, inter alia, on grounds of irregularities found in running of the centre, a copy of which is impugned at Annexure- 2 to the writ petition which order has been affirmed by the superior statutory authorities being the District Magistrate as well as the Commissioner of the Division.



Mr. Ratnakar Jha, learned counsel appearing for the petitioner appears and places reliance on a judgment and order of this Court dated 26.9.2013 passed in CWJC No.16628 of 2010 (**Sunita Devi and Anr. Vs. The State of Bihar**) to submit that in similar circumstances the termination order of some other similarly placed Anganwari Sevika has been interfered with.

Mr. Ojha, learned State Counsel submits that it is owing to the irregularities found in running of the centre that such decision has been taken and which stands confirmed up to the level of the Commissioner of the Division.

I have heard learned counsel for the parties and I have perused the records.

The pleadings on record shows that while during the pendency of the writ petition, a fresh selection process was initiated on 15.12.2014 as manifest from the enclosure to I.A. No.241 of 2015. Obviously since no stay order has been passed in this proceeding that the selection process so initiated on the termination of the petitioner must have been completed.

In the circumstances, this Court is not persuaded to grant indulgence to the petitioner for the reasons, namely:

- (a) The petitioner having chosen to question the order of termination after a lapse of two years of the



confirmation of the termination by the Commissioner, the writ petition suffers from the vice of gross laches and delay;

- (b) The order of the Child Development Project Officer was confirmed by the Collector and also the Commissioner vide order passed on 17/24.7.2009 circulated vide Memo No.348 dated 22.9.2009 and while the petitioner in CWJC No.16628 of 2010 came immediately, it has taken the petitioner 2 years to raise her grievance; and
- (c) The selection process having initiated in the year 2014, the subsequent developments not having been brought on record by the petitioner, the matter has been rendered academic.

The writ petition is disposed of accordingly. The interlocutory application also stands disposed of.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
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