

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 5390 of 2011

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Bibha Kumari W/O Sri Braj Bhushan Mishra Resident of Village Sagarpur,
P.S. Pandaul, District - Madhubani

.... Petitioner

Versus

1. The State of Bihar
2. The Divisional Commissioner, Darbhanga Division, Darbhanga
3. The District Magistrate, Madhubani, District - Madhubani
4. The District Welfare Officer, Madhubani, District Madhubani
5. The Chief Development Project Officer, Pandaul, District Madhubani
6. The Mukhiya, Gram Panchayat Raj Sagarpur, District Madhubani
7. The Secretary, Gram Panchayat Raj Sagarpur, District Madhubani
8. Smt. Punita Devi W/O Ghanshyam Mishra, Resident of Village -
Sagarpur, P.S. Pandaul, District Madhubani.

.... Respondents

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Appearance :

For the Petitioner : Mr. Saurendra Pandey
Mr. Ratanakar Jha

For the State : None

For the Pvt. Respondent : Mr. Vivek Anand
Ms. Shikha Roy

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

11. 22-07-2016 Heard Sri Saurendra Pandey, learned counsel, who

was assisted by Sri Ratanakar Jha, learned counsel for the

petitioner, Sri Vivek Anand, learned counsel, who was assisted by

Ms. Shikha Roy, learned counsel for the respondent no. 8. None

appeared on behalf of State.

In the present writ petition, the petitioner has prayed

for quashing of an order dated 18-01-2011 passed in Case No. 7 of

2009-10, whereby the Commissioner, Darbhanga Division,

Darbhanga (hereinafter referred to as 'Divisional Commissioner')



has rejected the claim of the petitioner for being appointed as Anganbari Sevika. However, by the same order, the learned Divisional Commissioner had remitted back the matter to the Collector to conduct an enquiry and pass appropriate order. Learned counsel for the petitioner has also prayed for quashing of appointment of respondent no. 8.

At the very outset, learned counsel for the petitioner accepts that though claim of the petitioner was rejected, but the learned Divisional Commissioner had remitted back the matter to the Collector to conduct a detailed enquiry and thereafter, an enquiry was conducted and in the said enquiry, appointment of private respondent was held to be irregular. Subsequently, order of the Collector has also been challenged by the respondent no. 8 before the Commissioner, vide Appeal No. 27 of 2012-2013 and matter is still pending.

In view of the fact that on remand of the case, the Collector has already passed order after conducting an enquiry and appointment of private respondent was quashed, which is under-challenge before the Commissioner, the Court is of the opinion that no purpose would be served in keeping the present writ petition pending.

Accordingly, the present writ petition stands disposed

of.

It goes without saying that the learned Divisional Commissioner may take appropriate decision in the appeal as early as possible, preferably within a period of six months from the date of receipt/production of a copy of this order.

(Rakesh Kumar, J.)

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