

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Letters Patent Appeal No.42 of 2016**

**Arising out of**

**Civil Writ Jurisdiction Case No. 2492 of 2014**

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Manju Kumari, Wife of Narendra Kumar, resident of village - Mangarh, P.S.  
Dharhara, District - Munger

.... .... Appellant

Versus

1. The State of Bihar
2. The Secretary, Welfare Department, Old Secretariat, Bihar, Patna
3. The Divisional Commissioner, Munger
4. The District Magistrate, Munger
5. The District Programme officer, Munger
6. The Child Development Project Officer, Dharhara, District - Munger

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Manohar Prasad Singh, Advocate  
Mr. Narsingh Tanti, Advocate

For the Respondent/s : Mr. Alka Verma, AC to SC-17

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**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**

**ORAL JUDGMENT**

**(Per: HONOURABLE THE ACTING CHIEF JUSTICE )**

**Date: 22-12-2016**

Heard learned counsel for the parties.

2. The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Bench on 9<sup>th</sup> of October, 2015 in C.W.J.C. No.2492 of 2014 (Manju Kumari Vs. The State of Bihar & Ors.) whereby, the writ application filed by the appellant was dismissed. The appellant has sought a direction for her appointment as Anganwari Sevika, the post for which she applied in the year 2013.

3. Earlier, the appellant was appointed as Anganwari Sevika, but finding irregularities, the services of the appellant were



dispensed with on 30<sup>th</sup> of September, 2011. It is thereafter, fresh process of appointment of Anganwari Sevika was started in which the appellant is one of the applicants.

4. We do not find that there can be any direction to complete the process of appointment of Anganwari Sevika or to appoint her, as prayed by her. Whether any post is required to be filled up or not is a decision to be taken by the employer. This Court, in exercise of writ jurisdiction, cannot direct the respondents to fill up the post even if the same is vacant. Reference in this connection is made to a judgment reported in AIR 2016 SC 2281 (Kulwinder Pal Singh & Anr. Vs. State of Punjab & Ors.)

5. Consequently, we do not find any merit in the present Letters Patent Appeal. The same is accordingly dismissed.

**(Hemant Gupta, ACJ)**

**(Dinesh Kumar Singh, J)**

K.C.jha/-

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