

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13286 of 2008

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Seema Raut wife of Sunil Kumar, resident of village Sofra, P.O. Dhoom Nagar,
P.S. Nautan, District West Champaran, Bettiah

.... Petitioner/s

Versus

1. The State of Bihar
2. The Director, Human Welfare Department, Bihar, Patna
3. The District Magistrate, Bettiah.
4. The Sub-Divisional Officer, Bettiah.
5. The District Welfare Officer, Bettiah.
6. The Block Development Officer, Nautan Block, West Champaran, Bettiah
7. The Child Development Project Officer, Nautan Block West Champaran, Bettiah
8. Lalita Devi, wife of Surendra Paswan
9. The Mukhiya, Gram Panchayat Raj, Dhoom Nagar, P.S. Mautan district West Champaran

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. S.P.Thakur, Adv.

Mr. S.P.Parasar, Adv.

Mr. Manoj Kumar, Adv.

For the Respondent/s : Mr. Jainendra Kumar Sinha, A.C. to SC17

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 11-08-2016

Heard Mr. S.P. Parasar, learned counsel for the petitioner and
Mr. Jainendra Kumar Sinha, A.C. to S.C. 17 for the State.

The petitioner is aggrieved by the order bearing letter no. 90
dated 17.4.2008 of the Child Development Project Officer, Nautan
Block, District- West Champaran whereby she has been informed that
her selection has been cancelled.

Two issues have been raised by Mr. Parasar to question the
order namely:-

- (a) the District Magistrate is the only authority vested with
powers to cancel an appointment, and
- (b) the petitioner was not granted an opportunity of hearing.



A counter affidavit has been filed and the circumstances leading to the impugned order stands discussed at paragraphs 5 and 6 of the counter affidavit which statement of the respondents goes uncontested for even though a copy of this counter affidavit was served on learned counsel for the petitioner almost 7 years back on 13.10.2009 but no rejoinder is filed.

It is stated in paragraph 5 that responding to the call for filling up of the post of Anganbari Sevika and Sahayika that six applicants filed their applications of which the candidature of one Poonam Paswan was rejected as she was not resident of the area. On the remaining five candidates one Ranjeeta Kumari was found to have the highest marks and the petitioner came on the second position. In normal course the said Ranjeeta Kumari should have been appointed to the post of Anganbari Sevika having the highest marks but she was denied appointment on grounds that her brother-in-law's wife was a Government servant. As a result of such disqualification of Ranjeeta Kumari, the petitioner coming at Serial No.2 of the merit list, was selected. An objection was filed by the said Ranjeeta Kumari which was put for enquiry by the District Magistrate, East Champaran and when it transpired that the said Ranjeeta Kumari had been wrongfully denied appointment. It is in this view of the matter and considering that the said Ranjeeta Kumari was at Serial No.1 of the merit list that the error whatsoever which was committed in the selection, was rectified by restoring the status co-ante and appointing the said

Ranjeeta Kumari to the post. It is further mentioned that it is under the orders of the District Magistrate that the appointment of the petitioner was cancelled and proceedings have been initiated against the persons responsible. The statement present at paragraphs 5 and 6 of the counter affidavit aptly explains the situation and in the circumstances discussed, no cause for indulgence is made out.

The writ petition is disposed of.

Bibhash/-

(Jyoti Saran, J)

AFR/NAFR	
CAV DATE	
Uploading Date	17.8.16
Transmission Date	