

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2065 of 2017

IN

Civil Writ Jurisdiction Case No. 17933 of 2016

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1. Swati Kumari @ Smt. Swati Kumari wife of Deo Raj Kumar, Resident of Village- Laxmipur, P.O.- Nirpur, P.S.- Chautham, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar, through Smt. Vandana Kini, Principal Secretary, Social Welfare Department, Bihar, Patna.
2. Mr. Jai Singh, District Magistrate, Khagaria.
3. Priyanka Kumari, District Programme Officer, Khagaria.
4. Sweta Kumari Child Development Project Officer (C.D.P.O.), Chautham, District- Khagaria.
5. Sanjay Kumar Singh, Mukhiya, Nirpur Panchayat, Khagaria.
6. Lalan Paswan, Panchayat Secretary, Nirpur Panchayat, Khagaria.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pravin Chandra Prasad, Adv.

For the Respondent/s : Mr. Kaushal Kumar Jha- AAG8

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 13-12-2017

Heard Mr. Pravin Chandra Prasad learned counsel for the petitioner and Mr. Kaushal Kumar Jha, AAG 8 for the State.

The petitioner was an applicant to the post of Anganbari Sevika in a selection process which was abandoned halfway through even the Aam Sabha held on 7.9.2015 could not take a decision owing to disturbances created by the members and whereafter no decision was taken thereon. In between, complaint was received on the eligibility of



the petitioner. It is in these circumstances that the petitioner came before this Court to seek a direction to the authorities to complete the process. This Court after perusing the application of the petitioner as well as the stand of the respondents in the counter affidavit filed, disposed of the writ petition with the direction to the Child Development Project Officer to inform the petitioner of his ineligibility to hold the post and to decide the issue after giving reasonable opportunity of hearing to the defend herself. Until disposal of the matter, the selection process which had ensued in the meanwhile was stayed. As according to the petitioner, nothing progressed she came before this Court and on notice a show cause is filed on behalf of the opposite party Nos. 2 to 4 enclosing an order dated 19.6.2017 whereby the claim of the petitioner for appointment has been rejected inter alia on grounds that the selection process has got delayed for a period of more than 1 year and thus not sustainable under the guidelines in force.

It is argument of Mr. Prasad that while a different stand was taken by the respondents before this Court in the earlier round but on remand by the High Court that a different reason has been given to confirm the abandonment of the process.

By that as it may, considering that the issue has been disposed of by the Chief Development Project Officer vide order passed on 19.6.2017 at Annexure-B to the show cause, whether the reasons



assigned is sustainable cannot be a subject matter of contempt jurisdiction. The petitioner if so advised, can question the order on merits by filing an appropriate application before the appropriate forum.

The contempt application is disposed of.

(Jyoti Saran, J)

Bibhash/-

AFR/NAFR	NAFR
CAV DATE	NA
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