

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.14617 of 2016**

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1. Shabnam Khatoon W/o Md. Shamim Akhtar R/o village - Radhiya Rai Tola, Ward No. 9, P.S. Gobindganj, Distt. - East Champaran

.... .... Petitioner/s

Versus

1. The State of Bihar
2. The Commissioner and Secretary, Department of Social Welfare, Government of Bihar, Patna
3. The Commissioner, Tirhut Division, Muzaffarpur
4. The District Magistrate, East Champaran at Motihari
5. The District Welfare officer, East Champaran at Motihari
6. The District Programme officer, I.C.D.S., East Champaran at Motihari
7. The Block Development officer, Areraj, East Champaran at Motihari
8. The Child Development Project officer, Areraj, East Champaran
9. The Mukhiya, Gram Panchayat Radhiya Block Areraj, East Champaran
10. The Panchayat Secretary, Gram Panchayat, Radhiya, Block Areraj, East Champaran
11. The Ward Member No. 9 Gram Panchayat Radhiya Cum President of Selection Committee of Angabadi Sevika

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Ajay Kumar Singh  
For the Respondent/s : Mr. Lala S.N. Ravi AC to G.P.-2

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**CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN**  
**ORAL ORDER**

2      01-07-2017      Heard Mr. Ajay Kumar Singh, learned counsel for the petitioner and Mr. Lala S.N. Ravi, Assisting counsel to G.P.- 2 for the State.

In the nature of the order which this Court proposes to pass it is not required to delve deep into the merits of the case. Suffice it to say, that the petitioner is aggrieved by the order dated 28.04.2016 passed by the District Programme Officer, I.C.D.S, East Champaran, Motihari in Case no. 76 of 2015 whereby, the



appointment of the petitioner to the post of Anganwari Sevika, Anganwari Center Code No. 92 of Areraj Block, District – East Champaran has been cancelled, inter alia on grounds that the brother-in-law (Dever) of the petitioner was holding the post of Block Teacher. A copy of the impugned order has been enclosed at annexed as Annexure-5 to the writ petition.

The petitioner in Paragraph-15 of the writ petition has stated that she has filed a statutory Appeal bearing No. 27 of 2016 against the order of cancellation of appointment which is pending for adjudication before the Collector, East Champaran at Motihari since 27.05.2016.

Although, the writ petition was filed on 30.08.2016 but no counter affidavit has been filed on behalf of the State to inform whether or not the appeal has been disposed of.

Mr. Singh, learned counsel for the petitioner in reference to I.A. No. 584 of 2017 has stated that respondents have initiated fresh selection process but it has not concluded.

Be that as it may, for the present I am of the opinion that since statutory appeal against the order of cancellation of appointment remains pending for adjudication before the Collector, East Champaran at Motihari in Appeal bearing no. 27 of 2016, I deem it proper to direct the Collector, East Champaran,



Motihari to consider and dispose of the appeal filed by the petitioner in accordance with law and after opportunity of hearing to the petitioner expeditiously and preferably within six weeks from the date of receipt/ production of a copy of the order.

It goes without saying that any appointment on the vacancy so made shall be governed by the out-come of the appeal so filed by the petitioner.

The writ petition is disposed of.

**(Jyoti Saran, J)**

sushma/-

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