

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11121 of 2014

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Pratima Kumari, Wife of Kalicharan Rai, Resident of Village- Salpur (Kendra Sankhya-117), Daughter of Rana Kumar Rai, Resident of Village- Ghiya,. Both village under P.S.- Goradih, Block- Goradih, District- Bhagalpur

.... Petitioner

Versus

1. The State of Bihar
2. The C.D.P.O., Goradih, P.S.- Goradih, District- Bhagalpur
3. The District Magistrate, Bhagalpur
4. The Commissioner, Bhagalpur
5. Rita Devi, Wife of Mahendra Yadav, Resident of Village- Salpur (Kendra Sankhya- 49), P.O. & P.S.- Prashastsih, Block- Goradih, District- Bhagalpur

.... Respondents

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Appearance :

For the Petitioner : Mr. Rama Nand Poddar, Advocate

For the Respondents : Mr. SHYAM KISHORE SHARMA, GA 1.

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 01-12-2017

Petitioner has approached this Court challenging the order dated 2.8.2013, passed by the District Magistrate, Bhagalpur (respondent no.3) in Case No. 110/2010-11 cancelling her selection as Anganbari sevika. Pursuant to the said cancellation order, a direction was issued for preparing a fresh mapping register and conducting selection procedure afresh. Respondent no.5, who claimed to be the 2nd person in the list had moved the Court of the Commissioner, Bhagalpur for a direction to the authorities for her selection by virtue of being second person in the list as the petitioner's selection had been cancelled. The same was disposed of by order dated 24.6.2013, passed by the Commissioner, Bhagalpur



Division directing for conducting the selection process afresh.

The instant petitioner has also challenged cancellation of her selection as Anganbari Sevika by the District Magistrate, Bhagalpur in Misc. (Anganbari) Appeal Case No. 116/2012-13 before the Commissioner, Bhagalpur Division. Before the Commissioner, it was found that the petitioner was holding two caste certificates and there was some interpolation in the name of the husband of the petitioner. The appellate order came to be passed on 1.7.2013 by the Commissioner, Bhagalpur in the appeal filed by the petitioner, wherein also order has been passed for conducting the entire selection process afresh in fair and transparent manner in accordance with law after considering the eligibility of both sides, i.e., the instant petitioner as well as respondent no.5.

The said two orders dated 24.6.2013, passed in the appeal filed by respondent no.5 as well as order dated 1.7.2013, passed in the appeal filed by the instant petitioner, were to the same effect that the entire selection procedure should be carried out afresh in fair and transparent manner in accordance with law.

Till date, the petitioner has not placed on record whether pursuant to the said order, selection process has been undertaken or not. Apart from that, it is only in the interest of justice and the interest of the Anganbari Center, that the entire selection process



may be carried out afresh and in accordance with law in compliance of the order passed in Appeal No. 116 of 2012, passed by the Commissioner, Bhagalpur. This Court finds no reason to interfere with the said order.

The writ petition is dismissed.

(Madhuresh Prasad, J)

Shashi.

NAFR	
CAV DATE	NA
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