

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16692 of 2010

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1. Kiran Kumari , Wife of Dilip Kumar Thakur, resident of Village- Pachari Tola,
P.S. - Bibhutipur in the District of Samastipur
 2. Sadhana Kumari, wife of Dhiraj Kumar Thakur, resident of Village- Raghapur,
P.S. - Bibhutipur, District - Samastipur

.... Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Welfare Department,
Government of Bihar, Patna
2. The Director, Integrated Child Development Scheme, Welfare Development,
Government of Bihar, Patna
3. The Divisional Commissioner, Darbhanga Division, Darbhanga
4. The District Magistrate, Samastipur
5. The District Programme Officer, Samastipur
6. The Child Development Project Officer, Bibhutipur in the District of
Samastipur
7. Jaya Devi, wife of Sri Vijay Kumar Thakur, resident of Village- Western Tabhka,
P.S. - Bibhutipur, District- Samastipur
8. Asha Kumari, wife of Nand Kishor Jha, resident of Village- Raghapur, P.S.-
Bibhutipur, District - Samastipur

.... Respondents

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Appearance :

For the Petitioners : Mr. Ranjeet Kumar, Advocate.

For the Respondents : Mr. Puneet Siddhartha, AC to AAG 13

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 25-07-2017

Learned counsel for the petitioners states that petitioner no. 1 has died during the pendency of the writ petition and seeks permission to withdraw the writ petition as concerns petitioner no. 1.

2. The writ petition accordingly stands dismissed as against petitioner no. 1 Kiran Kumari.

3. The present writ petition has been filed questioning the legality of the order dated 20.08.2010 passed by the District Magistrate, Samastipur (Annexure-2).

4. The essence of the petitioner's contention is that the impugned order has been passed without providing any opportunity of



hearing to the petitioner.

5. It appears that earlier the respondent no. 7 had been appointed on the post of Anganwari Sevika who was however terminated by order dated 02.07.2009. Such termination was challenged before this Court in C.W.J.C. No. 16799 of 2009 (Annexure-5) which was allowed by order dated 22.01.2010, setting aside the order of termination of the respondent no. 7. The impugned order dated 20.08.2010 is thus in the nature of a consequential order, inasmuch as once the termination order of Jaya Devi was set aside by this Court, the petitioner could not be permitted to continue on the said post. In such circumstances, the respondent cannot be faulted for not having issued any show cause to the petitioner prior to passing of the impugned order. It would appear that the petitioner has also not challenged the order passed in C.W.J.C. No. 16799 of 2009 which attained finality as far as she is concerned.

6. In the above view of the matter, the writ petition is devoid of merit and is accordingly dismissed.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
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