

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.179 of 2015
IN
Civil Writ Jurisdiction Case No. 4570 of 2013

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Kamini Kumari W/o Sri Sahdeo Mahto resident of village-Chakmahuli,
P.S - Rosera, District- Samastipur.

.... Appellant

Versus

1. The State of Bihar .
2. Commissioner, Darbhanga Division, Darbhanga.
3. Collector, Samastipur, Samastipur.
4. Child Development Project Officer, Rosera, District- Samastipur.
5. Deo Narayan Paswan, Mukhiya, Gram Panchayat Raj, Mohiuddin Nagar(East)P.S- Rosera, District- Samastipur.
6. Smt. Manju Kumari W/o Sri Sunil Kumar Sahu resident of village-Chakmahuli, P.S. - Rosera, District- Samastipur.

.... Respondents

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Appearance :

For the Appellant/s : Mr. Suneil Kumar Thakur, Advocate

For the Respondent/s : Mr. Anish Kumar, AC to AAG-VIII

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
And
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 19-06-2017

Heard learned counsel for the appellant and
learned counsel for the respondents.

This Court is not willing to set aside the order
of the learned Single Judge dated 17.12.2014 on the basis
of certain begotten kind of documents which have been
annexed in the Letters Patent Appeal and was not part of
the writ application at any stage.

Even otherwise based on new materials and
evidence, which have been annexed with the memo of
appeal, of which the learned Single Judge had no occasion



to look into or evaluate, the impugned order cannot be set aside on that ground. Since the post of Anganwari Sevika is not a permanent appointment under the State or such a post is not a civil post under the State, the maximum of which this Court can give indulgence in such litigation, as part of process of judicial review, is whether the appellant got fair opportunity to place her case before the competent authorities during adjudication of the case.

Since the findings clearly indicates that this appellant was never selected by the Aam Sabha, and therefore, there was no question of giving any leeway or indulgence to her by giving any direction for appointment. The said finding is not required to be interfered with over and above what the learned Single Judge has held or the basis of materials and evidence, which has come during adjudication.

Thus, the Letters Patent Appeal has no merit. It is dismissed, accordingly.

(Ajay Kumar Tripathi, J.)

(Rajeev Ranjan Prasad, J.)

Rajeev/N.A.F.R.

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