

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1688 of 2016

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1. Ratan Devi, wife of Nathuni Mandal, resident of Mahrail, P.S.- Andratadi,
District- Madhubani

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Social Welfare, Government of Bihar,
Patna
2. The Director, Social Welfare, Government of Bihar, Patna
3. The Deputy Director, Welfare, Darbhanga Division, Darbhanga
4. The District Magistrate, Madhubani
5. The District Programme Officer, Madhubani
6. The Child Development Project Officer, Andratadi, Madhubani
7. Subhakala Devi, Wife of Bachelal, resident of village Mahrail, P.S.- Andratadi,
District- Madhubani

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar Tiwary, Adv.
For the Respondent/s : Mr. R.R.K. Pandey- SC29

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 16-08-2017

Heard Mr. Mrityunjay Kumar Tiwari, learned counsel for the
petitioner and Mr. Lokesh Kumar A.C. to AAG 13 for the State.

The petitioner while questioning the order passed by the Deputy
Director, Welfare, Darbhanga Division, Darbhanga in Anganbari
Sahayika Service Appeal No. 25 of 2014 (Most. Subhkala Devi Vs.
Child Development Officer) impugned at Annexure-6 has also prayed
for appropriate direction to the respondent to complete selection
process initiated for appointment of Anganbari Sahayika Centre No.
81 Brahm Sthan Paschim Tola, Andhratadhi Block in the District of
Madhubani vide Annexure-3.



A rather interesting sequence of events engages the present petitioner. While Annexure-1 to the writ petition is stated to be a resignation submitted by the private respondent Subhkala Devi, the Anganbari Sahayika appointed for Centre No.81, Annexure-2 is an order passed by the District Programme Officer bearing Memo No. 1472A dated 23.6.2012, who while taking note of the irregularities prevalent at the centre, cancelled not only the appointment of the Angabari Sevika but alongside also quashed the appointment order of the private respondent as Anganbari Sahayika inter alia on grounds that she was not working since 2006. By the same order, the District Programme Officer also directed for making interim arrangement for running of the centre. It is following such order that a selection process was initiated and the panel prepared, a copy of which is present at Annexure-3.

It is feeling aggrieved by the order of the District Programme Officer that the private respondent preferred the Service Appeal in question and the Deputy Director, Welfare taking note of the circumstances as well as the pleading advanced on behalf of the private respondent Most. Subhkala Devi found the order of the District Programme Officer illegal and accordingly set aside the order of the District Programme Officer thus restoring the private respondent to her post as Angabari Sahayika, Centre No.81



Brahmsthan, Paschim Tola Block Andharatharhi Project Andharatharhi, in the district of Madhubani. It is but obvious that since the private respondent was restored to her post as Anganbari Sahayika by virtue of the order of the Deputy Director, Welfare present at Annexure-6, the selection process so initiated for appointment of a Anganbari Sevika/ Sahayika at Annexure-3 lost its meaning and was abandoned. It is this action which has aggrieved this petitioner to move this court.

Having heard learned counsel for the parties and considering that altogether the selection process was initiated by virtue of the removal of the private respondent from the post of Sahayika vide Annexure-2 but the moment she was restored to her post vide order as contained in Annexure-6 there lay no occasion to continue with the process as the selection process initiated in the meantime, had lost its requirement. No case for indulgence is made out in the circumstances present.

The writ petition is disposed of.

(Jyoti Saran, J)

Bibhash/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.08.2017
Transmission Date	NA

