

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10695 of 2014

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Kumari Geeta Sinha wife of Ashish Kumar resident of Rannu Bigha, Police Station Ben, District Nalanda Petitioner

Versus

1. The State of Bihar through the Principal Secretary Department of Family and Social Welfare, Govt, of Bihar, Patna.
 2. The Director Integrated Child Development Scheme, Patna.
 3. The District Officer, Nalanda.
 4. The District Programme Officer, Nalanda.
 5. The Child Development Project Officer, Ben, Nalanda.
 6. Malti Kumari wife of Ram Naresh Singh resident of village Ranu Bigha, Police Station Ben, District Nalanda Respondents
- =====

Appearance :

For the Petitioner : Mr. Anil Kumar Singh, Advocate
For the Respondents : Mr. Sanjay Kumar, AC to SC 15

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 30-11-2017

Heard the counsel for the parties.

The services of respondent no.6 as Anganbari Sevika was terminated vide memo no. 827 dated 3.3.2012, issued by the District Programme Officer, Nalanda (respondent no.4). She had filed her appeal challenging order of her termination. In between, she also approached this Court by filing C.W.J.C.No. 15289 of 2012 which was disposed of on 11.2.2013. Meanwhile, respondent no. 6 had already preferred Misc. (Anganbari) Case no. 33 of 2012. In view of the appeal having been filed by respondent no.6, the writ petition was disposed of vide order dated 11.2.2013 so as to enable expeditious disposal of the appeal of the respondent no.6. Said appeal has been disposed of vide order dated 26.8.2013, passed by the District Magistrate, Nalanda whereby the earlier order dated 3.3.2012 terminating the services of respondent no.6 was found to be bad and a direction was issued to allow her to function as Anganbari Sevika of Center 6, Ranubigha. Having succeeded in the appeal, respondent no.6 has been reinstated.

The petitioner was selected in between subsequent to the



condition that her selection would be subject to the outcome/result of the proceedings pending in respect of the respondent no.6.

Petitioner's averment in paragraph 9 of the writ petition is as follows:-

“That it is worth while to mention here that during the intervening period when the selection of the respondent no.6 was terminated, the petitioner was appointed as Anganbari Ssevika on 31.8.2012 and there was no reason and occasion for the District Officer to re-appoint the respondent no.6 as Anganbari Sevika without affording any opportunity of hearing to the petitioner.”

Since petitioner's appointment was conditional and subject to the outcome of the proceedings pending against respondent no.6, the petitioner cannot have any grievance against the appointment of respondent no.6. In view of the fact that the earlier order dated 3.3.2012 terminating the services of respondent no.6 was found to be bad, it is clear that the petitioner had no indefeasible right and claim in respect of her selection since the same was conditional selection.

Counsel for the petitioner is unable in highlighting any infirmity in the process adopted by the authorities or to otherwise assail the impugned order.

In view of the aforesaid discussions, the writ petition is dismissed.

(Madhuresh Prasad, J)

Shashi.

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