

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6167 of 2014

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1. Kumari Sonam Wife Of Jay Shankar Kumar Resident Of Village - Gadhia, P.S. -
Madhepura, District - Madhepura

.... Petitioner/s

Versus

1. The State Of Bihar, through the Principal Secretary, Rural Development
Department, Government Of Bihar, Patna
2. The District Magistrate cum Collector, Madhepura
3. The District Programme Officer, Madhepura
4. The Chief Development Project Officer, Madhepura
5. The Mukhiya, Gram Panchayat Raj Balam Gadhia, Madhepura
6. The Panchayat Secretary, Gram Panchayat Raj Balam Gadhiya, District -
Madhepura

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nagendra Kumar

For the Respondent/s : Mr. AJEET KUMAR

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 31-08-2017

Heard both sides.

The petitioner has challenged the order dated 10.01.2012 passed
by the Collector, Madhepura, as contained in memo No. 830, by which the
selection of the petitioner from the post of Anganwari Sevika has been cancelled.

The learned counsel for the petitioner submits that name of the
petitioner appears at serial No.4 in the merit list. One Babita Kumar was initially
appointed but she was below 18 years of age on the date of appointment. The
petitioner filed a petition before the Collector but in the meantime Babita Kumari
resigned. Rima Kumari and Kumari Sangita did not turn up and, therefore, the
Aam Sabha resolved to appoint the petitioner on the post of Anganwari Sevika.
After appointment the petitioner was sent up for training but the Collector without
any cogent reason canceled the appointment of petitioner and ordered for making



fresh appointment in accordance with law.

I find no force in the submission of the learned counsel for the petitioner as from perusal of the order itself, it appears that the Mukhiya illegally appointed the petitioner on the post of Anganwari Sevika although the candidates appearing at serial No. 2 and 3 were not given opportunity, after resignation of Babita Kumar from the post of Anganwari Sevika. It was found that appointment of the petitioner was illegal and Annexures-7 and 8 are consequential orders. It has also come in the counter affidavit that process of appointment has already been completed.

I do not find any merit in this writ petition and the same is, accordingly, dismissed.

If the petitioner is aggrieved by the fresh appointment process, she may file another writ petition.

(Prabhat Kumar Jha, J)

BKS/-

AFR/NAFR	NAFR
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