

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6065 of 2014

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1. Meena Kumari Sinha Wife of Raj Kishore Singh Resident of Village - Tal, P.S. -
Haspura, District - Aurangabad

.... Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Department Of Health and Family Welfare, Government of Bihar, Patna
2. The Collector, Aurangabad
3. The Civil Surgeon-Cum-Member Secretary, District Health Society, Aurangabad
4. The In-Charge Medical Officer, Primary Health Centre, Haspura, District - Aurangabad
5. The State Health Society, Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shivendra Prasad

For the Respondent/s : Mr. Amar Nath Deo

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 27-07-2017

Heard both sides.

The petitioner preferred this writ petition for quashing the letter dated 13.02.2014, as contained in memo No. 252, issued under the signature of Civil Surgeon-cum-Member Secretary, District Health Society, Aurangabad (Annexure-1) and the subsequent letter No. 228 dated 25.02.2014 and letter No. 333 dated 10.03.2014 issued by the Incharge, Medical Officer, Primary Health Centre, Haspura, Aurangabad by which the selection of the petitioner as Asha Facilitator has been cancelled.

The learned counsel for the petitioner submits that, vide Annexure-6, 20 Asha Facilitators were empanelled. The name of petitioner figures at serial No.9 and on the basis of such panel the petitioner was selected but without any rhyme and reason selection of the petitioner was cancelled in



violation of principles of natural justice.

The learned counsel for the respondents submitted that selection of the petitioner is void ab initio as the same was made in violation of procedure and guidelines meant for appointment of Asha Facilitator. The petitioner was selected but one Chandra Kanti Kumari filed a petition before the District Magistrate alleging that illegality and irregularity committed in selection of the petitioner. On such, enquiry was held and it was found that selection of the petitioner was made in contravention of guidelines and rules meant for appointment of Asha Facilitators. The petitioner was intermediate pass but she was appointed and candidates having higher qualification such as B. A. pass were ignored, therefore, the selection of the petitioner has been cancelled.

Having regard to the facts that appointment of the petitioner was made in contravention of the rules prescribed for appointment of Asha Facilitators, I do not find any illegality in cancelling the selection of the petitioner.

Accordingly, this writ petition is dismissed being devoid of any merit.

(Prabhat Kumar Jha, J)

BKS/-

AFR/NAFR	NAFR
CAV DATE	N.A
Uploading Date	01.08.2017
Transmission Date	N.A.

