

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3596 of 2014

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1. Rinki Kumari W/O Late Murari Yadav Resident Of Village- Pariya Bariarpur,
P.O. Bariarpur, P.S. Bariarpur, Dist. Munger

.... Petitioner/s

Versus

1. The State Of Bihar, Through The Principal Secretary, Welfare Department, Bihar
Patna
2. The Director, I.C.D.S. Directorate Welfare Dept. Bihar, Patna
3. The Commissioner, Munger Division, Munger
4. The District Magistrate, Munger
5. The District Programme Officer Munger
6. The Child Development Project Officer, Munger
7. Sunita Devi W/O Sri Pappu Kumar Yadav R/O Village Kumarpur, P.O.
Bariarpur, P.S. Bariarpur, Distt. Munger

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. SADANAND PASWAN

For the Respondent/s : Mr. SC-4 MD.RAISUL HAQUE

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 03-08-2017

Heard learned counsel for the petitioner and learned
counsel appearing on behalf of respondent no. 1 to 6. No one appears
on behalf of respondent no. 7.

2. The petitioner filed this writ petition for quashing of the
order passed in Misc. Case No. 58/2011-2012 dated 28.11.2012
(Annexure-9) whereby the selection of the petitioner on the post of
Anganbari Sevika has been cancelled. The petitioner further prays to
quash the order dated 26.10.2013 passed in Service Appeal No. 9 of
2013 (Annexure-12) by the Commissioner Munger whereby the



appeal of the petitioner has been dismissed.

3. Learned counsel for the petitioner assailed the order on the simple ground that Sunita Devi filed a complaint case bearing Misc. Case No. 58/11-12 alleging therein that the petitioner had earlier applied for selection on the post of Anganbari Sahayika in the year 2007 in the name of Rakhi Devi, Wife of Late Murari Yadav but she was not selected. The appointment made in the year 2007 was cancelled by this Court vide order passed in C.W.J.C. No. 3491 of 2008. Thereafter again process for selection of Anganbari Sahayika was taken up and the petitioner was appointed. It is further submitted that in the year 2009, the petitioner changed her name as Rinki Kumari, wife of Late Murari Yadav in which her date of birth is 12.06.1989. It is further submitted that notice was issued to the petitioner on 03.12.2012 asking the petitioner to appear before the Collector, Munger on 05.12.2012 but before the appearance of the petitioner before the Collector, Munger the Collector, Munger cancelled the appointment of the petitioner vide order dated 28.11.2012. Therefore, the order is bad as the petitioner was not heard before the cancellation of her selection.

4. Learned counsel for the State could not be able to bring on records any facts to show that when the petitioner was called upon to appear on 05.12.2012 before the Collector but the order was passed



on 28.11.2012, itself, before the date fixed for appearance of the petitioner.

5. Having considered the submissions of the parties and the facts, it appears that on the basis of the complaint filed by one Sunita Kumari, Misc. Case No. 58/11-12 was initiated. The CDPO, Bariarpur, Munger asked the petitioner to appear on 05.12.2012 before the Collector at 03:00 P.M. for hearing but when the petitioner appeared before the Collector she came to know that order has already been passed cancelling her selection on 28.11.2012 in Misc. Case No. 58/11-12. It appears that the order was passed without hearing the petitioner. Therefore, this Court finds that the order suffers from illegality.

6. Accordingly, the order dated 28.11.2012 passed in Misc. Case No. 58/11-12 (Annexure-9) as well as the order dated 26.10.2013 passed in Service Appeal No. 9 of 2013 (Annexure-12) are set aside. Accordingly, the writ petition is allowed. The matter is remitted to the Collector, Munger to pass order afresh after hearing the petitioner.

(Prabhat Kumar Jha, J)

KKSINHA/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.08.2017
Transmission Date	NA

