

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4460 of 2014

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Smt. Gyanti Devi W/O Subodh Pandit Resident Of Village & P.O.- Madhupur,
P.S.- Alipur, District- Gaya

.... Petitioner/s

Versus

1. The State Of Bihar Through The Secretary, Social Welfare Department,
Government Of Bihar, Patna
2. The Deputy Director, Welfare, Magadh Division, Gaya
3. The District Magistrate-Cum-Collector, Gaya
4. The District Programme Officer, Gaya
5. The Child Development Project Officer, Tikari, Gaya

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. RAJ KISHORE PRASAD

For the Respondent/s : Mr. ANSHUL

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 17-07-2017

Heard both sides.

The petitioner filed this writ petition for quashing the order as contained in Memo No. 503 dated 04.12.2013 (Annexure-7) issued by the Child Development Project Officer, Tekari, Gaya.

The facts relevant for disposal of this writ petition are that one Chandrakanti Devi Singh was appointed as Aanganwari Sevika, Makhdumpur (South) Code-112, but her service was terminated vide order dated 03.11.2009. Chandrakanti Devi Singh filed Aanganwari Appeal No. 4 of 2010 before the Collector, Gaya and the Collector, Gaya confirmed the order of Child Development Project Officer, Tekari, Gaya terminating her service from the post of Aanganwari



Sevika. Chandrakanti Devi Singh preferred appeal before the Deputy Director, Welfare Magadh Division, Gaya and the Deputy Director set aside the order dated 19.11.2009 and subsequent order dated 17.05.2012 passed in Aanganwari Appeal No. 4 of 2010 on the simple ground that Aanganwari Kendra was inspected in between 3:30 - 4:25 pm whereas the working hour of Aanganwari Kendra was 7 am to 12 noon.

In pursuance of the order of the Deputy Director Welfare, Magadh Division, Gaya Chandrakanti Devi Singh was reinstated on the post of Aanganwari Sevika Makhdumpur (South) Code 112 but, during termination of Chandrakanti Devi Singh, the petitioner was duly appointed to work as Aanganwari Sevika and she worked for a year but, in pursuance of the order of the Deputy Director Welfare, Magadh Division, Gaya dated 17.12.2013 the Child Development Project Officer, Tekari, Gaya terminated the service of the petitioner Gyanti Devi in view of Clause-6 of the advertisement that her appointment shall be subject to the decisions of the Court.

Learned counsel for the petitioner submits that after death of Chandrakanti Devi Singh, fresh advertisement has been issued for appointment on the post of Aanganwari Sevika Makhdumpur (South) Code 112. The petitioner has already worked about a year, therefore, she should be appointed on the post of Aanganwari Sevika after death



of Chandrakanti Devi Singh but, I do not find any substance in the submission of learned counsel for the petitioner that appointment of petitioner was made as stopgap arrangement and the petitioner cannot claim to have got right to be appointed after death of Chandrakanti Devi Singh. After death of Chandrakanti Devi Singh the authority has rightly published advertisement for appointment.

Considering the facts aforesaid, I do not find any illegality in the order as contained in Memo No. 503 dated 04.12.2013 (Annexure-7) issued by the Child Development Project Officer, Tekari, Gaya. Accordingly, the writ petition is dismissed.

Since the petitioner has already applied in pursuance of the advertisement, the authority shall also consider the case of the petitioner as she has worked for a year as Aanganwari Sevika during the period in which Chandrakanti Devi Singh was terminated from her service and dispose of the representation of the petitioner within three months.

(Prabhat Kumar Jha, J)

KKSINHA/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.07.2017
Transmission Date	NA

