

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1353 of 2015

Arising out of

Civil Writ Jurisdiction Case No. 5255 of 2015

With

Interlocutory Application No. 5954 of 2015.

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Sultana Parween, Wife of Subi Ahmad, Resident of Village - Herdhu, P.O. - Khedu
Ganj, P.S. - Islampur, District -Nalanda.

.... Petitioner / Appellant

Versus

1. The State of Bihar through the Secretary, Social Welfare Department,
Government of Bihar, Patna.
2. The Director, ICDS, Social Welfare Department, Bihar, Patna.
3. The District Magistrate, Biharsharif, Nalanda.
4. The Deputy Director, Welfare, Patna Division, Patna.
5. The District Programme Officer, Islampur, Nalanda.
6. The Child Development Project Officer, Islampur, Nalanda.
7. Savitri Kumari, Wife of Suresh Prasad, Resident of Village - Jot Bigha, P.S. -
Islampur, District - Nalanda.

.... Respondents / Respondents

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Appearance:

For the Appellant/s : Mr. Pramod Kumar Sinha, Advocate.

For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 17-03-2017

Re. Interlocutory Application No. 5954 of 2015.

The delay of 6 days in filing the Letters Patent Appeal is



condoned. The Interlocutory Application is allowed.

Re. Letters Patent Appeal No. 1353 of 2015.

Seeking exception to an order dated 13.04.2015 passed by the learned Writ Court in CWJC No. 5255 of 2015, this appeal has been filed under Clause 10 of the Letters Patent. Respondent no. 7 was appointed as an Anganbadi Sevika and by an order passed by the District Programme Officer (Establishment), Islampur, Nalanda, she was removed on the charges levelled against her. The termination based on the charges levelled was challenged by the respondent no. 7 before the statutory appellate authority. After removal of the respondent no. 7, on the vacancy created the petitioner was appointed. However, the statutory appeal filed by the respondent no. 7 was allowed. It was found that the charges levelled against the respondent no. 7 were not established and she was directed to be reinstated. For reinstating her, the petitioner was removed. Thereafter, challenging the order in question, the Writ Petition was filed.

Considering the facts that the writ petitioner's appointment was made after removal of the respondent no. 7 and once the appointment of the respondent no. 7 was found to be legal by the statutory appellate authority on hearing the parties on the charges levelled against the respondent no. 7, the learned Writ Court dismissed the Writ Petition and, in doing so, the learned Writ Court



has not committed any error warranting reconsideration.

The appeal is, therefore, dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

Dilip, AR

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

