

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No. 10467 of 2010**

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Madhuri Devi W/O Arun Kumar Pandey R/O Vill Rampur Dukhna Tola,  
P.O. Puraina, PS. Yogapatti, Distt-West Champaran, selected as 'Sevika' at  
Aanganbadi Kendra-156, Rampur, Dukhna Tola under Gram Panchayat  
Raj, Bagahi, Puraina, P.S. Yogapatti, Distt.-West Champaran

.... .... Petitioner

Versus

1. The State of Bihar
2. The Commissioner, Tirhut Division, Muzaffarpur
3. The District Magistrate West Champaran at Bettiah
4. The District Welfare Officer-Cum-The District Programme Officer,  
West Champaran at Bettiah
5. The Child Development Project Officer, Yogapatti, Distt-West  
Champaran
6. The Mukhiya Gram Panchayat Raj Bagahi Puraina, Block- Yogapatti,  
Distt-West Champaran.

.... .... Respondents

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**Appearance :**

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Respondent/s : AC to GP - 6

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**CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR**  
**ORAL ORDER**

5. 11-04-2017 Heard Sri Umesh Chandra Verma, learned counsel for  
the petitioner and learned A.C. to Govt. Pleader – 6.

The petitioner has approached this Court invoking its writ jurisdiction under Article 226 of the Constitution of India, with a prayer to quash an order dated 26-03-2010 passed by the Commissioner, Tirhut Division, Muzaffarpur (hereinafter referred to as 'Commissioner'). By the said order, the Commissioner has restored the selection of one Smt. Shubham Shree, as Sevika for Aanganbari Centre No. 156, Bagahi Puraina Panchayat, Jogapatti,



West Champaran.

It is case of the petitioner that after cancellation of the selection of Smt. Shubham Shree, as Aanganbari Sevika, for the said centre, a General Aam Sabha was held and in Aam Sabha, a merit list was prepared and petitioner's name had appeared at serial no. 1 of the merit list and as such, in Aam Sabha, a decision was taken to select the petitioner, as Aanganbari Sevika.

Learned counsel for the petitioner has drawn my attention to the resolution of the Aam Sabha dated 13-02-2010.

On perusal of the same, it is evident that selection of the petitioner, as Aanganbari Sevika, was subject to the result of the appeal filed by Smt. Shubham Shree, which was pending before the Commissioner. Meaning thereby that selection of the petitioner was an adhoc arrangement, which was subject to the result of the aforesaid appellate order. In the writ petition, the petitioner has not even impleaded Smt. Shubham Shree, as respondent. Moreover, in the appeal, the petitioner was not a party and appellate authority i.e. Commissioner, considering the matter in detail, held that her (Smt. Shubham Shree) removal by the Collector was not proper and allowed the appeal.

Considering the fact that selection of the petitioner was subject to the result of the appeal, which was filed by Smt.



Shubham Shree before the Commissioner and which was subsequently allowed, I do not find any ground to pass any favourable order in the present writ petition.

The writ petition stands dismissed.

**(Rakesh Kumar, J.)**

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