

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Letters Patent Appeal No.873 of 2015  
IN  
Civil Writ Jurisdiction Case No. 2225 of 2015**

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Babita Devi @ Babita Kumari, Wife of Pramod Kumar, Resident of Village -  
Matauraha, P.S.- Masaurhi, District - Patna.

.... .... Appellant/s

Versus

1. The State of Bihar, through Director, Integrated Child Development Scheme (I.C.D.S.), Department of Social Welfare, Government of Bihar, Patna.
2. The Commissioner, Patna Division, Patna.
3. The Collector, Patna.
4. The District Programme Officer, Patna.
5. The Sub-Divisional Officer, Masaurhi, Patna.
6. The Child Development Project Officer (C.D.P.O.), Masaurhi, Patna.

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Surendra Kumar Mishra

For the Respondent/s : Mr. Uday Bhanu Singh, AC to GP 19

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**

ORAL JUDGMENT

**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date: 09-10-2017**

Seeking exception to an order dated 05.02.2015 passed by  
the learned Writ Court in CWJC No. 2225 of 2015 this appeal has



been filed under Clause 10 of the Letters Patent.

Matter pertains to the appointment of Anganwari Sevika.. Even though the Writ Court has dismissed the writ petition on the ground of there being no error in the mapping and consideration done but we find from the material available on record that in the process of selection done one Smt. Mina Devi was appointed, she joined on the post and after certain complaints were received a show cause was issued to her, her service was terminated. Once Mina Devi was appointed to the post and her service was terminated then the entire selection process comes to an end and on the vacancy so created the petitioner will not have any right to seek appointment. Once a candidate in pursuance of the selection process is appointed then any vacancy that arises after the selected candidate's services are terminated, the vacancy so created cannot be filled up by appointing any person like the petitioner from the select list, which gets exhausted on appointment of a candidate, ie. the most meritorious one. On the contrary, the selection will have to be done afresh and on this ground also the petitioner cannot claim for appointment based on the earlier select list.

That being the position, in view of the law laid down in this regard in the case of **Manoj Manu vs. Union of India [(2013) 12**



**SCC 171]** and **Raj Rishi Mehra vs. State of Punjab [(2013) 12 SCC 243]** we see no reason to make any indulgence into the matter.

That apart with regard to the issue of mapping of the area based on population and the question of creation of the centre the learned Writ Court has refused to interfere on such administrative action. We see no error in the same.

The appeal stands dismissed.

**(Rajendra Menon, CJ)**

**(Anil Kumar Upadhyay, J)**

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