

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13849 of 2013

=====

Rita Devi Wife of Sunil Kumar Resident of Village- Hurka (Paswan Tola), P.S.-
Tilauthoo, District- Rohtas

.... Petitioner

Versus

1. The State of Bihar through Secretary, Social Welfare Department, Bihar, Patna
2. Director, Integrated Child Development Services, Social Welfare Department, Bihar, Patna
3. District Magistrate, Rohtas
4. District Programme Officer, Rohtas
5. Child Development Project Officer, Tilauthoo, District- Rohtas
6. Rubi Kumari Wife of Upendra Mohan Singh, Resident of Village- Hurka, P.S.- Tilauthoo, District- Rohtas

.... Respondents

=====

Appearance:

For the Petitioner : Mr. Ajay Kumar Singh, Advocate
For the State : Mr. P.K. Verma, AAG 3
Ms. Divya Verma, AC to AAG 3

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 11-10-2017

The present writ petition has been filed for the following reliefs:

- (i) To quash the order dated 10.01.2013/11.02.2013 passed by the Commissioner, Patna Division, Patna in Misc. Appeal Case No. 377 of 2012 whereby and whereunder the appeal filed by the petitioner has wrongly been dismissed.
- (ii) To quash the office order issued by the Child Development Project Officer, Tilauthoo (Rohtas) as contained in Memo No. 135 dated 23.11.2011 whereby and whereunder the petitioner has



wrongly been removed from the post of Anganbari Sevika of Anganwari Centre Hurka Paswan Tola Code-9, Gram Panchayat Hurka, P.S. Tilauthoo, District Rohtas and respondent no. 6 has wrongly been appointed to the said post.

- (iii) To reinstate the services of the petitioner on the said post with payment of full back wages.
- (iv) To grant any other relief or reliefs to which the petitioner is entitled for.

2. Learned counsel for the petitioner makes a short submission to challenge the impugned orders to the effect that the petitioner who had been working as Anganwari Sevika was erroneously removed to accommodate the respondent no. 6 in the backdrop of the decision of this Court dated 21.09.2011 passed in CWJC No. 11523 of 2011 filed by the respondent no. 6. It is submitted that at the time of hearing of C.W.J.C. No. 11523 of 2011, it could not be brought to the notice of this Court that the earlier decision in C.W.J.C. No. 12911 of 2007 (*Sunita Kumari vs. The State of Bihar through the Secretary, Welfare Department, Bihar, Patna and others*), on the basis of which the writ petition of the respondent no. 6 had been allowed, had prospective operation and would not affect concluded transactions of appointment as in the case of the petitioner. Learned counsel for the petitioner proposes to file a review petition in CWJC No. 11523 of 2011.

3. Having regard to the stand of the petitioner, the present writ petition is disposed of granting liberty to the petitioner, in the event that



the proposed review petition is filed and the same is allowed, to move this Court for revival of the present writ petition.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	14.10.2017
Transmission Date	N.A.

