

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1869 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 2793 of 2015**

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Nitu Kumari, Wife of Sri Santosh Kumar Mehta, Resident of Village - Fulaut, P.S. -
Chausa, District - Madhepura

.... Appellant

Versus

1. The State of Bihar.
2. The Deputy Director, Welfare Department, Koshi Division, Saharsa.
3. The Commissioner Koshi Division, Saharsa.
4. The District Magistrate, Madhepura.
5. The District Program Officer, Madhepura.
6. The Child Development Project Officer, Chousa, Madhepura.
7. The Mukhiya Gram Panchayat, Fulaut, P.S. Chousa, District - Madhepura.
8. Smt. Anita Devi Ward Member-08 Gram Panchayat Fulaut, P.S. - Chousa,
District - Madhepura.
9. Mahi Kant Paswan, Punch Ward No. - 8 Gram Panchayat Fulaut, P.S. - Chousa,
District - Madhepura.

.... Respondents

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Appearance:

For the Appellant/s : Mr. Alok Kumar Singh, Advocate.
Mr. Naval Kishore Singh, Advocate.
For the Respondent/s : Mr. Kumar Ravish, Advocate.

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 13-02-2017

Re.: I.A. No.8441 of 2015

This application is for condonation of delay of 150
days in filing the Letters Patent Appeal.

For the reasons mentioned in the Interlocutory
application, we are satisfied that the appellant has shown sufficient
cause to seek condonation of delay in filing the present Letters Patent



Appeal.

Consequently, Interlocutory Application is allowed and delay in filing the Letters Patent Appeal is condoned.

Re.: L.P.A. No. 1869 of 2015

The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Bench on 18.02.2015 whereby, the writ application challenging Annexure-1 dated 18.12.2014 directing fresh advertisement for filling up the post of Anganwari Sevika remained unsuccessful.

2. The appellant was a candidate for appointment to the post of Anganwari Sevika in Fulaut Gram Panchayat, Block Chousa, District-Madhepura. However, she is not resident of the ward in which that Anganwari centre is situated.

3. One Anju Devi, resident of the same ward, submitted an application but her application was filed after the cut-off date. Therefore, the District Programme Officer considered it appropriate to order fresh selection process. Such selection process was not interfered with by the learned Single Bench.

4. The appellant does not get a right of appointment only because she was a candidate. She is not the resident of the same ward where Anganwari Centre is located. Still further, there was a candidate resident of the same ward, but who applied admittedly after



the cut-off date. Therefore, an advertisement issued by the District Programme Officer to invite applications for fresh selection for appointment as Anganwari Sevika cannot be said to be unfair or illegal which may warrant interference in the present Letters Patent Appeal.

5. Accordingly, the Letters Patent Appeal is dismissed.

(Hemant Gupta, ACJ)

(Sudhir Singh, J)

Mishra

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	16.02.2017
Transmission Date	

