

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1602 of 2017

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Sushma Kumari wife of Sri Babloo Choudhary resident of village Chaklarsa,
P.S. Paras Bigha, District Jehanabad.

... .. Appellant/s

Versus

1. The State of Bihar.
 2. The Principal Secretary, Social Welfare Department, Government of Bihar, Patna.
 3. The Director, Integrated Child Development Scheme, Social Welfare Department, Government of Bihar, Patna.
 4. The District Magistrate, Jehanabad.
 5. The Deputy Development Commissioner, Jehanabad.
 6. The District Programme Officer, Jehanabad.
 7. The Child Development Project Officer, Jehanabad (Rural).
 8. Gyanti Devi wife of Arjun Kumar resident of village Larsa Tola, Rangi Bigha, P.S. Ram Bigha, District – Jehanabad.
- Respondent/s

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Appearance :

For the Appellant/s : Mr. Sudhir Kumar, Advocate

For the Respondent/s : Mr. Amresh Kumar, AC to AAG8

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 15-12-2017 This is an appeal filed by the appellant challenging the order dated 3.11.2017 passed by the learned writ court in CWJC No. 21316 of 2012.

The respondent No.8 Gayanti Devi was working as Anganwari Sevika and on account of one day's absence when inspection of the centre was done her services were terminated. After termination of her services, the appellant herein was appointed on the vacancy created thereof. Gayatri Devi challenged her termination and the writ court by a detailed order, impugned before us, has found that the termination is



unsustainable. Gayatri Devi was sick and on account of one day's absence, the writ court found the order of termination illegal and she has been directed to be reinstated. The appellant, who was appointed on the vacancy created after removal of Gayatri Devi, respondent No. 8, was required to make room for reinstatement of Gayatri Devi, and the appellant has no locus standi to challenge the order as the right which has accrued to the appellant for seeking appointment on the post became frustrated, once the termination of Gayatri Devi was found to be illegal.

Learned counsel for the appellant submits that the termination of Gayatri Devi was proper and the medical certificate produced by her was not genuine.

We do not see any reason to permit the appellant to canvass all these contentions.

Finding no error in the order passed by the writ court, we dismiss the appeal.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

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