

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1806 of 2017
IN
Civil Writ Jurisdiction Case No. 7438 of 2014**

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Vinita Devi @ Vinita Kumari Wife of Sanjay Kumar Singh Resident of Village -
Madadpur, P.S. - Pandarak, District - Patna.

.... Appellant

Versus

1. The State of Bihar through Principal Secretary, Welfare Department, Govt. of Bihar, Patna.
2. The Deputy Director, Welfare, Patna Division, Patna.
3. The District Programme Officer, Patna.
4. The Child Development Project Officer, Pandarak, Patna
- ... Respondents / Respondents
5. Saraswati Kumari, Wife of Sada Nand Singh, Resident of Village - Madadpur, P.S. - Pandarak, District - Patna.

.... Writ Petitioner / Respondent

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Appearance:

For the Appellant/s : Mr. Rakesh Kumar Sharma, Advocate.
For the Respondent/s : Mr. Manish Kumar, AC to AAG 6.

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**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

Date: 16-02-2018

This intra-court appeal has been preferred for setting aside the judgment dated 27.11.2017 passed by a learned Writ Court in CWJC No. 7438 of 2014 (Sarswati Kumari Vs. The State of Bihar & Ors.).

2. By the impugned judgment the learned Writ Court has come to a conclusion that the findings recorded in the inspection report which were the basis for termination of the service of the petitioner as Anganwadi Sevika were not sustainable on facts as well



as those were perverse.

3. The learned Writ Court has been pleased to set aside the impugned order dated 16.04.2013 passed by the District Programme Officer, Patna as also the appellate order dated 26.07.2013 passed by the Deputy Director, Welfare, Patna Division, Patna upholding the order of termination of the petitioner, the impugned orders in writ have been found in violation of the principles of natural justice.

4. Learned counsel representing respondent no. 5 in the Writ Application (appellant herein) has assailed the impugned judgment. The basic contention of the appellant is that she was appointed by virtue of a fresh advertisement and the advertisement was not made subject to the result of the Writ Application.

5. From the impugned judgment we find that the present appellant was respondent no. 5 in the Writ Application and the learned Writ Court has noticed the order dated 20.01.2015 passed in the Writ Application whereby this Court had specifically observed that any selection made on the post of Anganwadi Sevika / Sahayika for Anganwadi Centre Madanpur Paswan Tola Centre No. 42 in the district of Patna during the pendency of the Writ Petition shall be subject to final outcome of the Writ Petition.

6. In the aforesaid view of the matter, by virtue of the interim order the respondent no. 5 – appellant's appointment itself



was subject o the result of the Writ Petition; hence, the impugned judgment cannot be interfered with on the ground that the appointment of the respondent no. 5 was pursuant to a fresh advertisement.

7. No error of facts and law has been pointed out by the learned counsel representing the appellant. We are, therefore, satisfied that the impugned judgment needs no interference.

8. The Appeal has no merit. It is accordingly dismissed.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Dilip, AR

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