

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10509 of 2013

-
1. Kiran Srivastava W/O Shailendra Srivastava Resident Of Village
- Parshurampur, Gram Panchayat Raj - Parshurampur, Block -
Parsauni, P.S. - Parsauni, District - Sitamarhi

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director, I.C.D.S. Social & Welfare Department, Bihar, Patna
3. The Commissioner, Tirhut Division, Muzaffarpur
4. The Collector-Cum-District Magistrate, Sitamarhi
5. The District Programme Officer, Sitamarhi
6. The Child Development Project Officer, Parsauni Block, District - Sitamarhi

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Devendra Kumar, Advocate
For the Respondent/s : Mr. Manoj Kr. Ambastha, SC 26
Mr. Subodh Kumar, AC to SC 26

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 01-11-2018

Heard counsel for the petitioner and the respondent State.

2. Petitioner has approached this Court for quashing of the letter dated 10.04.2013 issued by the District Programme Officer, Sitamarhi removing her from the post of Anganbari Sevika .

3. It is the petitioner's case that without affording any opportunity of hearing, the petitioner has been removed from the post of Anganbari Sevika on which post she was selected by issuance of letter dated 10.07.2012. She submits that thereafter she was sent for short term training in Mahatma Budh



Anganbari Training Institute on 04.10.2012. It is submitted that the petitioner was selected as Anganbari Sevika for Parsauni Anganbari Centre no. 8 in the District of Sitamarhi.

4. From perusal of the order dated 04.04.2013 issued by the District Programme Officer removing the petitioner, it is evident that the same is not alleging any illegality or misrepresentation against the petitioner. The same is also not casting any stigma on the petitioner. The District Programme Officer had taken note of the fact that in view of the amendment to the guidelines dated 03.02.2012, the selection was to be done from the predominant cast. The same has not been done and due to mistake the selection was conducted ignoring the guidelines dated 03.02.2012 though the advertisement was issued on 02.04.2012. The petitioner's selection has been made as a result of the said mistake and only to rectify the error, her selection has been cancelled but no stigma has been attached by the respondent authority.

5. In view of the aforesaid situation, the petitioner cannot claim any right to hearing in accordance with law in as much as no allegation has been made against the petitioner. The removal order is dated 04.04.2014 and today when the matter is taken up there is no instruction as to whether any fresh selection



has been made during pendency of the instant writ petition.

6. In view of the aforesaid situation, there is no occasion for this Court to exercise writ jurisdiction in favour of the petitioner.

7. Writ petition is therefore, dismissed.

(Madhuresh Prasad, J)

Prakash

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

