

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5020 of 2016

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Smt. Sushila Kumari, W/o Hiralal Paswan, R/o village - Baour, P.O. Akhtiyarpur,
P.S. Karaghar, District – Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Welfare, Government of Bihar, Patna.
3. The Director, ICDS, Government of Bihar, Patna.
4. The Commissioner, Patna Division, Patna.
5. The District Magistrate, Rohtas.
6. The District Programme Officer, Rohtas, Sasaram.
7. The Child Development Project Officer, Karaghar Block, Karaghar, Rohtas.
8. The Mukhiya, Riwan Gram Panchayat, Karaghar Rohtas.
9. The Panchayat Sachiv, Riwan Gram Panchayat, Karaghar, Rohtas.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Shekhar Tiwary, Adv.
Mr. Ramanuj Tiwary, Adv.
For the Respondent/s : Mr. Birju Prasad, GP-13

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 09-03-2018

Heard Mr. Shashi Shekhar Tiwary, learned counsel
appearing for the petitioner and Mr. Birju Prasad, learned
Government Pleader No.13 for the State.

The petitioner questions an order dated 3.9.2013/4.11.2013
passed by the Commissioner, Patna Division, Patna in Misc. Appeal
No.46 of 2012 impugned at Annexure 5, whereby the
Commissioner while dismissing the appeal of the petitioner has
confirmed the order passed by the subordinate statutory authorities
i.e. the District Programme Officer, Rohtas as well as the District
Magistrate, Rohtas.



It is the grievance of the petitioner that although her complaint as against the appointment of one Manju Devi was accepted by the authorities vested with the jurisdiction to entertain such grievance under the guidelines regulating appointment of Anganbari Sevika enforced by the State Government and even though her appointment was set aside by the District Programme Officer on 11.7.2009 but the consequential order for appointment of the petitioner who was most appropriate candidate for such appointment, was not passed rather the District Programme Officer directed for holding selection process afresh and which order has been confirmed by the superior authorities.

I have heard learned counsel for the parties and perused the records and I am of the opinion that the writ petition is fit to be dismissed for more than one reasons, namely:

- (a) The petitioners seeks enforcement of a merit panel of 2004 which lost its validity on conclusion of appointment process on appointment of Manju Devi;
- (b) It was open for the statutory authorities while quashing the appointment of person selected to either direct for appointment of the next best candidate in the merit list or go for fresh selection and in case the statutory authority have chosen to hold fresh



selection, no infirmity exists in such decision warranting indulgence;

- (c) The challenge of the petitioner until the Commissioner, Patna Division, Patna ended on 3.9.2013 but she has luxuriously filed this writ petition after lapse of almost two and half years on 10.3.2016.

For the reasons discussed, the writ petition lacks merit and is dismissed accordingly.

(Jyoti Saran, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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