

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.895 of 2011

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Nujhat Noori, wife of Rajaur Rahman, R/o Vill & P.O. Pachahi, P.S. Madhepur, Distt. Madhubani. Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Social Welfare Department, Bihar, Patna
3. The Commissioner, Darbhanga Division, Darbhanga,
4. The District Magistrate, Madhubani,
5. The District Welfare Officer-cum-District Program Officer, Madhubani,
6. The Sub. Divisional Officer, Jhanjharpur, Dist. Madhubani,
7. The Child Development Project Officer, Madhepur, Madhubani,
8. The Mukhiya, Gram Panchayat Raj, Pachahi, P.S. Madhepur, Distt. Madhubani,
9. Suraiya Praveen, Wife of Md. Javed Akhtar, R/o Village & P.O. Pachahi, P.S. Madhepur, Distt. Madhubani.

.... Respondents

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Appearance:

For the Petitioner/s:	Mr. Prafulla Chandra Jha, Advocate.
For the Respondents-State:	Mr. Sita Ram Yadav, GP 16.
For the Respondent no. 9:	Mr. Abinash Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

Date: 16-01-2018

Heard learned counsel for the petitioner and learned counsel representing the State as also the respondent no. 9.

2. Pursuant to the order dated 02.01.2018 passed by this Court the C.D.P.O., Madhepur (Madhubani) has filed a Counter Affidavit in which it is stated that as per the order of the learned Commissioner of Darbhanga dated 16.11.2010, an AAM SABHA was held on 29.06.2011 under the Chairmanship of Ward Member of the said Panchayat, namely, Jaitun Khatoon and in that AAM SABHA Azima Khatoon has been selected as Aanganwadi Sevika. It is further stated that the selection of Azima Khatoon is under challenge at the



instance of Suraiya Praveen (respondent no. 9) who filed Aanganwadi Case No. 46/2011-12 before the District Magistrate, Madhubani. The said case is presently pending before the D.P.O., Madhubani.

3. It appears that in the present Writ Application, the petitioner has challenged the order dated 16.11.2010 passed by the Commissioner, Darbhanga Division, Darbhanga (Respondent no. 3) by which the appeal preferred by the respondent no. 9 against the order dated 15.03.2008 passed by the District Magistrate, Madhubani was allowed and a direction was issued to the concerned officials to convene an AAM SABHA to select the most suitable candidate for the post of Aanganwadi Sevika of Centre No. 73.

4. Since the AAM SABHA has already been held and one Azima Khatoon has been selected, whose selection is not under challenge in the present Writ Application, rather the respondent no. 9 has challenged her selection in an appeal which is pending before the D.P.O., Madhubani, learned counsel for the petitioner submits that he may be allowed to challenge the fresh selection of Azima Khatoon if the present respondent no. 9 fails in the appeal preferred by her. So far as the present Writ Application is concerned, this may be treated as having become infructuous for the present keeping it open for the petitioner to challenge the impugned order as also the appointment of the respondent no. 9 if she succeeds against said Azima Khatoon.



5. Learned counsel for the State as well as the respondent no. 9 have no objection to the aforesaid submissions of the learned counsel for the petitioner.

6. In the facts and circumstances, the present application is declared infructuous with liberty to the petitioner to challenge the impugned order in the present Writ Application at an appropriate stage in accordance with law in either of the situations as envisaged by him here-in-above in a duly constituted application.

7. The Writ Application is disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Dilip, AR

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	16.01.2018
Transmission Date	N/A

