

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9808 of 2013

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1. Sangita Kumari W/O Shyamdeo Prasad Yadav Resident Of Village-
Yashpur, P.O.- Turwan, P.S.- Fatehpur, District- Gaya

.... Petitioner/s

Versus

1. The State Of Bihar, Through The Secretary, Welfare Department, Bihar,
Patna
2. The Director, I.C.D.S. Directorate, Social Welfare Department, Bihar,
Patna
3. The Commissioner, Magadh Division, Gaya
4. District Magistrate, Gaya
5. District Programme Officer, Gaya
6. Child Development Programme Officer, (C.D.P.O.), Fatehpur, Gaya

.... Respondent/s

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Appearance :

For the Petitioner/s : Ms. Roona

For the Respondent/s : Mr. Arun Kumar Sinha, Ac to GP 24

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 29-08-2018 Without even referring to the date on which the petitioner was selected, which the petitioner asserts was on 2.12.2008, the claim of the petitioner with reference to the judgment in the case of Sunita Kumari vs. State of Bihar & others passed in CWJC No. 12911 of 2007 has been rejected. The order passed by the Divisional Commissioner, Magadh Division, shows non consideration of the date of petitioner's selection which was relevant for examining whether the petitioner would be entitled to the declaration of law made in the order dated 6.5.2010 passed in CWJC No. 12911 of 2007.

The matter is therefore remanded to the Court of Divisional Commissioner, Magadh Division, to reexamine the petitioner's claim with reference to her date of selection after hearing the parties concerned. The petitioner should approach



the Divisional Commissioner, Magadh Division, with her claim within a period of four weeks from today, if she is keen of availing of the liberty granted by this Court today. Since the order dated 21.2.2013 has been issued without taking into consideration relevant facts, as noticed hereinabove, the order dated 21.2.2013 issued by the Divisional Commissioner, Magadh Division is quashed.

The writ petition is allowed but only to the aforesaid extent.

(Madhuresh Prasad, J.)

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