

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.7284 of 2016**

=====

Neelam Kumari D/o Late Mushi Prasad Yadav, R/o Village Raghunathpur, PO  
Bahadur Bazar, P.S. Jamo Bazar, Block Barharia, District Siwan

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Welfare Department, Govt. of Bihar, Patna
2. The Director, Social Welfare, Govt. of Bihar, Patna
3. The Commissioner, Saran Division, Chapra, District Chapra
4. The District Magistrate, Siwan, District Siwan
5. The Deputy Collector, Land Reforms, Maharajganj, District Siwan
6. The District Programme Officer, Siwan, District Siwan
7. The Child Development Project Officer, Gorla Kothi, District Siwan

... .. Respondent/s

=====

**Appearance :**

|                      |   |                                                        |
|----------------------|---|--------------------------------------------------------|
| For the Petitioner/s | : | Mr. Sharda Nand Mishra, Adv.<br>Mr. Rajiv Ranjan, Adv. |
| For the Respondent/s | : | Mr. Prasant Pratap, GP6                                |

=====

**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**  
**ORAL JUDGMENT**

**Date : 22-11-2018**

Heard learned counsel for the parties.

In this case, the petitioner is challenging the refusal for extension of her service as a Mahila Supervisor by the impugned order contained in memo no. 707 dated 15.7.2015 affirmed by the Commissioner, Saran Division, Chapra in Anganwari Appeal No. 211 of 2015 vide order dated 21.5.2016.

The engagement of the petitioner was on contractual basis for one year which is apparently clear from the appointment letter itself. Under Clause 5 & 6 thereof, it has been mentioned that she was engaged for one year and, after that, the contract will be treated to have come to an end. However, from time to time, the



same was extended on the basis of work assessment. The work assessment of the petitioner along with two others was received by the Collector and it was found that the percentage secured is much below and the matter was referred for enquiry to the Deputy Collector, Land Reforms who, in his report dated 9.5.2015 has given a report in favour of the petitioner and many things have been said against the then C.D.P.O. which is not required to be looked into but, the Collector has placed reliance on the report of the C.D.P.O. and refused to extend the contract period. Against that, the petitioner moved before the Commissioner and the Commissioner, vide order dated 25.1.2016, refused to interfere with the order of the Collector.

Learned counsel for the petitioner submits that the C.D.P.O. had submitted the report on account of personal biasness which has been corroborated by the D.C.L.R. who has given a report in favour of the petitioner and without any reason assigned by the Collector, has refused to accept the view of D.C.L.R. and the same mistake has been committed by the Commissioner, Saran Division, Chapra who has also not assigned any reason for refusal to accept the report of the D.C.L.R. which is admittedly a higher officer than the C.D.P.O.



As the period of contract is over, this Court cannot give a direction for extension of period of service or to pass the order of reinstatement of the petitioner. For the present the order contained in Memo No. 707 dated 15.7.2015 is quashed and the matter is remanded back and the Collector, Siwan who will look into the matter and take a decision in accordance with law.

With the aforementioned observation and direction, this writ application is disposed of.

**(Shivaji Pandey, J)**

rishi/-

|                   |            |
|-------------------|------------|
| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
| Uploading Date    | 29.11.2018 |
| Transmission Date |            |

