

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2842 of 2015

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1. Neelu Kumari Wife of Sri Deepak Kumar R/o Village +P.O. Dadpura,
Panchayat Takiya, Ward No. 01 Block Bhagwanpur, District Begusarai

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Social Welfare Department, Govt of Bihar, Patna
3. The Director I.C.D.S. Directorate, Social Welfare Department Govt of Bihar, Patna
4. The Deputy Director, Welfare Munger Commissioner Munger
5. The District Magistrate, Begusarai
6. The District Programme Officer, ICDS Begusarai
7. The Child Development Officer Bhagwanpur Distt Begusarai
8. Archana Choudhary Wife of Sri Balkrishna Choudhary R/o Village +P.O. Dadpur, Panchayat Takiya Ward No 1 Block Bhagwanpur, District Begusarai

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Niranjan Kumar, Advocate
Smt. Smita Prasad, Advocate
For the State : Ms. Ratna Kumari, AC to AAG2

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 09-07-2018

Heard learned counsel for the petitioner, respondent State and the respondent no. 9.

2. Counsel for the petitioner submits that though she has been selected as Anganbari Sevika at Anganbari Kendra No. 19 under Block Bhagwanpur, District Begusari on 09.12.2014 but in compliance of the order dated 22.01.2015 passed in Anganbari Sevika Appeal No. 84 of 2014 by the Deputy Director, Munger, her selection has been cancelled since in compliance of the order dated 22.01.2015 erstwhile Anganbari Sevika namely Archana Choudhary has been



reinstated allowing her appeal against cancellation of her selection.

3. It is submitted by the counsel for the petitioner that when she came to know about pendency of the said appeal, she approached the respondent no. 4 and in this respect she filed a representation before the Director, ICDS but the order has been passed without even issuing notice to her in the appeal.

4. From perusal of Annexure 6 to the writ petition i.e., a letter dated 20.01.2015 sent by registered post to the Director, Welfare it is evident that the petitioner was in full knowledge of the pending proceedings in Anganbari Sevika Appeal no. 84 of 2014. In spite of her due knowledge she has only claimed to be heard in the proceedings and not filed any objection in the said proceedings. Other than the said letter dated 20.01.2015 by registered post to the Director, Welfare. It is also evident from the records that the appointment of the petitioner was made just prior to issuance of final order dated 22.01.2015 in Anganbari Sevika Appeal no. 84 of 2014 and the same was subject to final result of the appeal of the respondent no. 8 which was pending before the authorities. Selection of Respondent No. 8 cannot be faulted since she has succeeded in the Anganbari Sevika Appeal no. 84 of 2014.

5. The respondents have initiated selection process under the advertisement dated 19.10.2014 and selected the petitioner under letter dated 09.12.2014 subject to result of the pending appeal. That



they have done so during pendency of appeal filed by respondent No. 8 is an issue for which the respondents may be held liable by the petitioner, but in an appropriate proceedings.

6. The right of the petitioner arising out of the appellate order dated 22.01.2015 cannot be diluted by the fact that the respondent authorities have committed a lapse in selecting the petitioner during pendency of the appeal.

7. It would be open to the petitioner to move against the concerned authority in an appropriate proceedings.

8. No orders need be passed in the instant writ proceedings.

9. The writ petition is disposed off.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

