

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1190 of 2017

In
Civil Writ Jurisdiction Case No.4229 of 2014

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Rinku Kumari Wife of Rameshwar Thakur, Resident of Village-sugauna, P.S.-
Rahika, Distt-Madhubani.

... .. Appellant

Versus

1. The State of Bihar through the Secretary, Social Welfare, Department Govt. of Bihar, Patna
2. The Director Social Welfare Department, Govt. of Bihar, Patna.
3. The District Magistrate, Madhubani
4. The District Welfare Officer, Madhubani.
5. The District Programme Officer, Madhubani
6. The Block Development Officer, Block-Rahika, District-Madhubani.
7. The Mukhiya, Gram Panchayat Raj, Basauli, Block-Rahika, PS-Rahika, District-Madhubani.
8. The Secretary, Gram Panchayat Raj Basauli, Block-Rahika, P.S.-Rahika, District-Madhubani.
9. Surekha Kumari @ Surekha Devi Wife of Vijay Kumar Singh @ Vijay Prasad, Resident of Village-sugauna, P.S.-Rahika, Distt-Madhubani.

... .. Respondents

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Appearance :

For the Appellant/s	:	Mr. Mahasweta Chatterjee, Advocate Mr. Ram Nibash Prasad, Advocate Mr. Shamir Kr. Sinha, Advocate
For the Respondent/s	:	Mr. Mritunjay Kumar AC to AAG-6

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 03-12-2018

Heard Ms. Mahasweta Chatterjee, learned counsel
for the appellant and Mr. Mritunjay Kumar, learned A.C. to
A.A.G.6 for the State.

This Intra-Court Appeal arises from a common
judgment and order passed by the learned Single Judge of this
Court in CWJC No. 4229/2014 filed by the present appellant-
petitioner which was heard analogous with the writ petition filed



by the private respondent bearing CWJC No. 18769/2014 and the learned Single Judge vide his judgment and order dated 21.07.2017 finding no merit in either of the two writ petitions dismissed each of them.

It is the petitioner in CWJC No. 4229/2014, who being aggrieved by the judgment and order of the learned Single Judge, is before this court. Ms. Mahasweta Chatterjee, learned counsel appearing for the appellant-petitioner would submit that no sooner the selection of the private respondent was seen with suspicion and her appointment as Anganbari Sevika was doubted, this by itself was sufficient to uphold subsequent selection process in which not only the appellant-writ petitioner participated and got selected but even the private respondent had taken participation. It is on this ground and on the observations made by the District Magistrate in his order impugned in the writ petition dated 31.01.2014, that this appeal is filed.

We have heard learned counsel for the parties and we have perused the records. There is nothing to dispute that it is without taking any steps for cancellation of the earlier selection which led to the appointment of the private respondent that the subsequent selection process was held in which the



present appellant got selected. The District Magistrate, Madhubani after examining the matter threadbare has found that the selection of the private respondent Surekha Kumari was not cancelled in accordance with law and which gross lapse invalidated the subsequent selection process in which the appellant-petitioner was appointed. We find no reason to either interfere with the order of the District Magistrate, Madhubani which was put to challenge before the learned Single Judge nor are we persuaded to interfere with the opinion expressed by the writ court. That there is already a direction present in the order of the District Magistrate, Madhubani for initiating fresh selection process for appointment of Anganbari Sevika for Kendra No. 230, it is the pendency of this litigation which has caused the delay, which otherwise could have been completed long before.

Let the Child Development Project Officer, Block – Rahika, District – Madhubani act accordingly to initiate a fresh process for appointment of Anganbari Sevika in Kendra No. 230 in tune with the direction present in the order of the District Magistrate, Madhubani within a period of six weeks from today, if not already initiated.

Let fresh selection process be initiated by public



advertisement if not already done. In case, any process has been initiated without resorting to public advertisement that would stand closed. Let the process be completed within a period of six weeks from today.

The petitioner as well as the private respondent would be at liberty to file their application provided they fulfil the eligibility, however, in the circumstances noted they may be allowed age relaxation.

With the observations above, the appeal stands disposed.

(Jyoti Saran, J)

(Rajeev Ranjan Prasad, J)

Arvind/Rajeev

AFR/NAFR	NAFR
CAV DATE	NA
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