

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18325 of 2014

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Bibi Mehjabi Wife of Md. Sharif residence of Village - Kujari, Police Station
Palasi, District - Araria

.... Petitioner/s

Versus

1. The State of Bihar
2. The Divisional Commissioner, Purnia
3. The District Magistrate, Araria
4. The District Welfare Officer - Cum - District Programme Officer, District -
Araria
5. The Child Development Project officer, Palasi, District Araria
6. The Mukhiya, Gram Panchayat Raj Kujari Block + P.S. Palasi, District - ARaria
7. The Panchayat Secretary, Panchayat Raj Kujari Block + P.S. Palasi, District -
Araria

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Ziaul Quamun, Advocate
For the State : Mr. Madan Mohan, AC to SC 5

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 08-05-2018

Heard learned counsel for the petitioner and the respondent
State.

2. The short facts in the writ petition are that the petitioner's selection as Angan Bari Sevika in Centre No. 161, Kujari Tola, Block-Palasi, District of Araria has been cancelled by order dated 17.02.2009 passed by the District Programme Officer and District Welfare Officer, Araria.

3. The petitioner has challenged the same by filing C.W.J.C. No. 7578 of 2010 which was disposed off by order dated 16.09.2010 with liberty to the petitioner to file an appeal before the District



Magistrate considering the fact that the District Magistrate was the only competent authority to decide the issue on which the petitioner's selection as Angan Bari Sevika was cancelled, being on certain allegations regarding centre being closed, petitioner's absence and non-distribution of food to the beneficiaries which was detected in the course of inspection. The same was filed and has been disposed off by the District Magistrate by order dated 22.12.2011 in Appeal No. 17/2010-11. The petitioner's appeal has been rejected.

4. Against the order passed by the Collector rejecting the petitioner's appeal the petitioner again moved this Court by filing C.W.J.C. No. 5209 of 2012. The same was dismissed as withdrawn on 10.04.2012 and the petitioner was allowed liberty to approach the Commissioner of the Division.

5. Pursuant to the said liberty granted under order dated 10.04.2012 passed in C.W.J.C. No. 5209 of 2012, the petitioner had approached the Commissioner by filing a Misc. Revision No. 54 of 2012. The order dated 13.03.2013 passed by the Commissioner in the Misc. Revision No. 54 of 2012 as well as the order passed by the Collector on 22.12.2011 in Appeal No. 17/2010-11 filed by the petitioner are also under challenge in the instant writ proceedings. The petitioner has thus availed of statutory remedies and has twice approached this Court prior to filing of the instant writ petition as noticed above.



6. From the order passed by the Divisional Commissioner, Purnea in Misc. Revision No. 54 of 2012, it is evident that on various dates the petitioner has not appeared before the Divisional Commissioner though he was represented through an advocate in the proceedings before the Divisional Commissioner. Taking note of his repeated absence and since he was not present even on the date of final order was being issued i.e., on 13.03.2013, after giving a last opportunity to the petitioner on 02.01.2013, the Divisional Commissioner relying upon materials on record has rejected the petitioner's revision application also. The order dated 13.03.2013 has been passed taking note of all the relevant facts and materials on record and in view of the petitioner's continuous absence in the proceedings.

7. In view of such findings there is no occasion for this Court to interfere with the order passed by the Divisional Commissioner in the Misc. Revision No. 54 of 2012.

8. The writ petition is therefore, dismissed.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

