

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18635 of 2016

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1. Madhu Kumari wife of Rajkeshwar Singh, Resident of Village- Dumri, Police Station- Kudra, District- Kaimur (Bhabua).

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Govt. of Bihar, Patna.
2. The Director, I.C.D.S., Bihar, Patna.
3. The District Magistrate, Kaimur (Bhabua).
4. The District Programme Officer, Kaimur (Bhabua).
5. The C.D.P.O. Kudra, District- Kaimur, Bhabua.
6. The Principal, Bajrang Bali High School, Chenari, District- Rohtas.
7. Bhagwani Devi wife of Bali Ram Singh, Resident of village- Bastalwa, P.O. Kathrai, Police Station- Kudra, District- Kaimur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Ranjan, Adv.
Mr. Ram Pravesh Nath Tiwari, Adv.
For the Respondent/s : Mr. Dharendra Kumar, A.C. to AAG6

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 26-04-2018

Heard Mr. Rajesh Ranjan, learned counsel for the petitioner and
Mr. Dharendra Kumar, A.C. to AAG 6 for the State.

The petitioner is aggrieved by the order dated 20.7.2016 passed
by the respondent No.3, the District Magistrate, Kaimur in Anganbari
Appeal Case No.11 of 2015-16 whereby he has directed for initiation
of fresh selection process for appointment of Anganbari Sevika,
Anganbari Centre Dumri, Code III, Block - Kudra in the district of
Kaimur after upholding the termination of the private respondent. A
copy of the order is impugned at Annexure-6.



I have heard learned counsel for the parties and I have perused the records.

Although the petitioner seeks to question the order of the District Magistrate, Kaimur which confirms the order of the District Programme Officer in so far as it upholds the termination of the private respondent but at the same time also directs for initiation of the fresh process, the fault lies with the petitioner herself because even though her right to consideration for appointment arose on termination of the appointment of the private respondent under the orders of the District Programme Officer, Kaimur vide memo No.30 dated 31.5.2014 which order also directed the authorities concerned to make fresh selection from the merit list itself, the petitioner kept quiet and did not move the proper forum for enforcing the order of the District Programme Officer, Kaimur. Now, whereas the District Programme Officer after terminating the appointment of the private respondent on ground that it was founded on forged document directed the authorities concerned to make appointments from the same merit list, the District Magistrate, Kaimur as an appellate authority thought it proper to hold fresh selection. No fault can be found in the discretion exercised by the District Magistrate as an appellate authority to hold fresh selection because it gives a wider competition in selection. Whether or not the petitioner participated in it, is not informed but what is informed is



that the fresh selection so initiated on the orders of the District Magistrate, Kaimur, has reached its conclusion by appointment of one Priti Kumari. In other words, the order of the District Programme Officer stands merged in the order of the appellate authority i.e the District Magistrate, Kaimur and which has been implemented by holding of a fresh selection culminating in an appointment of Priti Kumari.

In the circumstances discussed, no cause for indulgence is made out.

The writ petition is disposed of.

(Jyoti Saran, J)

Bibhash

AFR/NAFR	NAFR
CAV DATE	NA
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