

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.3065 of 2017

IN

Civil Writ Jurisdiction Case No. 25609 of 2013

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Sonali Kumari, W/o Ram Nandan Kumar, R/o Tata Colony, Ward No. 2, Madhopur Panchayat, P.S. Maner, District Patna at Present Anganwari Sewika at Centre Code No. 91, Tata Colony, Ward No. 2, Madhopur Panchayat, P.S. Maner, District- Patna.

.... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Director, Integrated Child Development Scheme (ICDS) Indira Bhawan, Ram Charitra Singh Path, Boring Canal Road, Patna.
3. The District Magistrate, Patna.
4. The District Programme Officer, (ICDS), Patna.
5. The Child Development Project Officer, Maner, Patna.
6. Madhu Devi wife of Shri Jagannath Pd. Yadav, r/o. village Tata Colony, Madhopur, P.S. Maner, District Patna

.... .. Resopondents

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Appearance :

For the Petitioner/s	:	Mr. V.K. Dubey, Advocate Mr. A.K.Singh, Advocate
For the State	:	Mr. Manish Kumar, AC to AAG 6
For the Resp. 6	:	Mr. Abhay Shankar Jha, Mr. Sanjay Kumar Jha, Advocates

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 03-10-2018

The present petition has been filed for modification/review/recall of the judgment dated 06.09.2017 passed in CWJC No. 25609 of 2013.

2. Learned counsel for the petitioner submits that the review petitioner was appointed as Anganwari Sevika of the concerned centre in the year 2016 and it was thus necessary for the writ



petitioner to have impleaded her as a party-respondent in the main writ petition. The judgment dated 06.09.2017 has been passed without hearing the review petitioner and as such the same ought to be recalled.

3 Learned counsel for the respondent-State appears and has been heard.

4. Having heard the parties and on consideration of the materials on record, this Court is not satisfied to recall or modify the judgment dated 06.09.2017 passed in CWJC No. 25609 of 2013 (Annexure-6). In the advertisement No. 01/2016 (Annexure-1) in response to which the review petitioner was appointed, it is clearly stated that such appointment would be subject to orders of this Court and a right was reserved to cancel or amend the advertisement at any time. So also, the selection of the review petitioner by letter dated 27.09.2016 (Annexure-3) clearly stated that such selection was subject to the terms and conditions of the advertisement.

5. The order cancelling the selection of the writ petitioner as well as the appellate order confirming the same was set aside and remanded for fresh consideration with a direction to reinstate the writ petitioner to her post in the meantime, in terms of the aforesaid judgment. The right of the review petitioner was dependant upon the result of the writ petition which finally succeeded and as such any right



claimed by the review petitioner must yield to the right restored to the writ petitioner, moreso in view of the former's conditional selection as stated above.

6. MJC No. 3065 of 2017 accordingly stands dismissed.

(Vikash Jain, J)

Chandran

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.10.2018
Transmission Date	NA

