

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1334 of 2017

In

Civil Writ Jurisdiction Case No.15491 of 2008

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Smt. Sujata Kumari, Wife of Sahjanand Mandal, Resident of Village- Rewata,
P.O. Kasar, P.S. Ariyari, District- Sheikhpura.

... .. Appellant/s

Versus

1. The State of Bihar through the Secretary, Social Welfare Department, Govt. of Bihar, Patna.
2. The Commissioner, Munger Division, Munger.
3. The Director, Integrated Child Development Services, Social Welfare Department, Govt. of Bihar, Patna.
4. The District Magistrate, Sheikhpura.
5. The Child Development Project Officer, Ariyari, Sheikhpura.
6. Kiran Rai, Wife of Ram Janam Prasad, Resident of Village- Rewata, P.S. Ariyari, District- Sheikhpura.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ashok Kumar Kashyap
For the Respondent/s : Mr. K.K.Jha - Aag8

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

4 21-06-2018 Heard learned counsel for the petitioner and counsel
appearing on behalf of the State.

Since the appellant was appointed against the vacancy caused by removal of the private-respondent, who was the petitioner before the Writ Court and if such disengagement on the post of Anganwari Sewika was held to be bad by the Learned Single Judge, then the natural corollary will be that the original appointee will have to be restored back to the position



from which she was disengaged and right of the present appellant cannot be indefinite, because her engagement was a contingent act because of the removal of the previous incumbent.

Since we do not find any infirmity with the decision of the Learned Single Judge, dated 17.07.2017, the grievance raised by the appellant that she cannot be removed now after having worked for many years, cannot be said to be a correct position in law.

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

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