

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3326 of 2019

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Savita Kumari, aged about 24 years, Female, W/o Arun Paswan, Resident of Village-Singahi, Ward No.9, Gram Panchayat, Raj-Belwa,,Block-Piprahi, P.S.- Piprahi, District-Sheohar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Social Welfare Department, Govt. of Bihar, Patna.
3. The Director, Integral Child Development Scheme, Social Welfare Department, Govt. of Bihar, Patna.
4. The Deputy Director, Social Welfare Department, Tirhut Division, Muzaffarpur.
5. The District Magistrate, Sheohar.
6. The District Programme Officer, Sheohar.
7. The Block Development Officer,.Block-Piprahi,.District-Sheohar.
8. The Child Development Project Officer, Piprahi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Devendra Kumar, Adv.
For the Respondent/s : Mr. S.K. Mandal, SC-3
Ms. Neelam Kumari, AC to SC-3
Ms. Bipin Kumari, AC to SC-3

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 22-02-2019

The present writ petition has been filed by the petitioner, who was one of the applicants for the post of



Anganbari Sevika, for cancelling the Advertisement No. 01/2018-19, which has been issued by the District Magistrate, Sheohar for appointment of Anganbari Sevikas/Sahayikas in Gram Panchayat Raj-Belwa, Ward No. 9, Block-Piprahi, in the District of Sheohar.

2. It has been submitted on behalf of the petitioner that pursuant to Advertisement No. 01/2017-18, the petitioner had applied for consideration/appointment on the post of Anganbari Sevika, but wrongly, one Lalita Kumari was appointed on the aforesaid post. The petitioner had challenged the appointment of aforesaid Lalita Kumari before this Court *vide* C.W.J.C. No. 10763 of 2018, in which petition, a Bench of this Court *vide* order dated 13.08.2018 directed the petitioner to make a complaint/representation before the District Programme Officer, Sheohar, who was, in turn, directed to hear the parties and take a decision disposing off such complaint/representation within a period of six months from the date of filing of such complaint/representation.

3. The learned counsel for the petitioner has



submitted that without disposing of the complaint/representation of the petitioner against the appointment of aforesaid Lalita Kumari, who in C.W.J.C. 10763 of 2018 was impleaded as private respondent No. 9, the District Magistrate, Sheohar has chosen to, as a subterfuge, issue a fresh advertisement, viz., Advertisement No. 01/2018-19 for appointment of Anganbari Sevika/Sahayikas in the concerned Gram Panchayat.

4. The learned counsel for the petitioner submits that this is an effort to bypass and hoodwink the direction of this Court in disposing of the complaint/representation of the petitioner *vis-a-vis* private respondent No. 9/Lalita Kumari, who was appointed unauthorizedly on the post of Anganbari Sevika.

5. However, from the perusal of the advertisement contained in Annexure-3 to this writ petition, it appears that though the same has been issued, initiating the process of appointment of Anganbari Sevika/Sahayikas in the concerned Anganbari Centre, but one of the conditions has specifically been stipulated that if there is any



proceeding pending before the 1st or the 2nd Appellate Authority under the orders of the Court and any order is passed in the aforesaid proceeding, the new appointee, under the fresh advertisement, would have to give way to the person who emerges successful in such pre-existing litigation with respect to such posts.

6. With this stipulation in the advertisement, there is no reason for the petitioner to fear or to have apprehension in mind that only to oust or deflect her claim, fresh advertisement has been issued before her complaint/representation has been disposed off by the District Programme Officer, Sheohar.

7. Thus, this Court finds no occasion or reason to interfere with the issuance of a fresh appointment process which has been initiated by issuing the advertisement afresh. However, this Court takes exception to the fact that despite the direction of this Court to dispose off the representation of the petitioner by the District Programme Officer, Sheohar within a period of six months, the same has not yet been done. The District Programme Officer, Sheohar is directed



to complete the inquiry and dispose off the representation/complaint of the petitioner, which has already been filed, as early as possible, preferably within a period of sixty days from the date of this order.

8. With the aforesaid observation and direction, the writ petition stands disposed off.

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	26.02.2019
Transmission Date	N/A

