

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3123 of 2016

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Kiran Kumari Wife of Ashok Kumar Gupta Resident of Mohalla - Paschim
Pali, Police Station and Post office - Kishanganj, District - Kishanganj

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Social Welfare Department, Govt. of Bihar, Patna
3. The Director, Integrated Child Development Scheme under Social
Development Department, Government of Bihar
4. The District Collector, District Kishanganj
5. The District Programme officer, District Kishanganj
6. The Child Development Project officer, Kishanganj, District - Kishanganj

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Jibendra Mishra
For the Respondent/s : Mr.Suresh Kumar, AC to GP 1

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 10-04-2019

Heard counsel for the petitioner and counsel for the

State.

Petitioner has sought quashing of the order dated
13.1.2016 issued by District Programme Officer, Kishanganj
(respondent no.5) communicating decision of the Committee
chaired by the District Magistrate for consideration of extension of
term of lady Supervisor working in the district.

Petitioner was working as lady Supervisor since 2011
and the same was extended from time to time. Petitioner's tenure
as lady Supervisor lasted only uptill the month of March, 2015.
These are admitted facts in the instant proceeding. Petitioner



claims that even beyond the period, she was discharging duty. This fact is disputed by the respondent authority. Extension of the petitioner's tenure was considered by the District Level Committee chaired by the District Magistrate. On 4.12.2015 Committee, having regard to the petitioner's application, did not extend the petitioner's tenure as lady Supervisor because of implication in criminal case. The decision of the committee, that any claim of further tenure as lady Supervisor, would be subject to outcome of pending criminal case against the petitioner, was communicated to her under order dated 31.3.2015 by District Programme Officer, Kishanganj.

Learned counsel appearing for the petitioner submits that the order is in violation of Supervisor Improvement guideline, 2010. Submission is made with reference to the provision contained in clause XIV. Other submission is that order issued by the District Programme Officer is without jurisdiction as under the guideline such order could only be issued by the District Magistrate.

This court is of the view that such submission is based on erroneous premise. Since no power has been invoked for terminating the petitioner's tenure, provisions contained in clause XIV are not applicable in the present circumstance. In the instant



case petitioner's tenure as lady supervisor had already ceased in March, 2015. Order dated 13.01.2016 therefore does not terminate petitioner's subsisting tenure, but communicates decision of competent authority not to extend the tenure. This court does not find any infirmity in the order/communication.

Writ petition is dismissed.

(Madhuresh Prasad, J)

s.hassan/-

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