

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 6797 of 2015

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Saroj Devi @ Saroja Devi, w/o Ganesh Bind, Resident of Village- Betari, Ward No. 10, P.S.- Bhabua, Dist. Kaimur. The Anganbari Sevika, Centre Betari-1, Code No. 48, P.S.- Bhabua, District- Kaimur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director, I.C.D.S. Public Welfare Department, Patna.
3. The Deputy Director, Welfare, Patna Division, Patna.
4. The District Magistrate, Kaimur at Bhabua.
5. The District Programme Officer, Kaimur at Bhabua.
6. The District Welfare Officer, Kaimur at Bhabua.
7. The Block Development Officer, Bhabua, Dist- Kaimur.
8. The Child Development Project, Block- Bhabua, Dist.- Kaimur.
9. Urmila Devi, W/o Upendra Paswan, village – Betari, Ward No 15, P.S. -Bhabua, District- Kaimur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	M/s Ravi Shankar Sahay, Chandra Mohan Jha, Advocates
For Respondent No 9	:	Mr Radha Mohan Pandey, Advocate
For the S t a t e	:	Ms Archana, AC to AAG XI

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 16-04-2019

Heard learned counsel for the petitioner, respondent-
State as well as the private respondent.

2 The petitioner is aggrieved by order dated 01.04.2013
issued by the Collector, Kaimur. Against the said order, the
petitioner filed Miscellaneous Case No 1 of 2013-2014.



3 Grievance of the petitioner was that subsequent upon the selection of respondent No 9 being cancelled, petitioner was selected in her place as Anganbari Sevika. However, when the writ petition bearing CWJC No 3925 of 2008 filed by respondent No 9 was allowed, she came to be reinstated pursuant thereto by an order passed by the Collector on 01.04.2013. The petitioner had sought recall of the said order by alleging that she was a necessary party before the Writ Court and that the directions had been obtained by respondent No 9 in the writ proceedings behind her back, suppressing the fact of her selection in the meantime.

4 The issue is, therefore, whether the order dated 04.02.2011 could have been passed in the proceedings arising out of CWJC No 3925 of 2008 filed by respondent No 9 without impleading the petitioner who, during pendency of the writ proceedings, had come to be selected as Angan Bari Sevika at the Center on account of vacancy caused due to removal of respondent No 9? Since that is an issue which the petitioner was required to raise in the appropriate proceedings against the order dated 04.02.2011 passed in CWJC No 3925 of 2008, and the same has not been done till date, this Court would not be in a position to interfere with the orders issued against the petitioner by the



respondent-authorities, as a consequence of order passed in CWJC No 3925 of 2008.

5 In the circumstances, this writ petition is dismissed.

6 Dismissal of the writ petition will not stand in the way of the petitioner, in the event she is desirous of availing the remedy before the appropriate forum against the order dated 04.02.2011 passed in CWJC No 3925 of 2008.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.04.2019
Transmission Date	NA

