

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7972 of 2015

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Kumari Kajal Singh wife of Sri Yashwant Prasad Patel, resident of Village
Jokahan- Kurmi Tola, P.O. Sonbarsa, P.S. Barauli, District Gopalganj

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Collector, Gopalganj.
3. The District Programme Officer, Gopalganj.
4. The Child Development and Project Officer, Barauli Prakhanda, Barauli,
Gopalganj.
5. Baby Kumari, wife of Sri Manoj Prasad, resident of Village Jokahan, P.O.
Sonbarsa, P.S. Barauli, District Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Amresh Kumar Sinha Mr. Harendra Prasad
For the State	:	Mr. Sudama Kumar- AC to SC 12
For respondent no.5	:	Mr. Kumar Virendra Narayan

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

7 16-10-2019 Heard counsel for the petitioner and counsel for the
respondents-State as well as respondent no.5.

Writ petition has been filed challenging the order
passed by the District Magistrate, Gopalganj in Anganbari
Appeal no. 31/2012 whereby the Collector relying upon better
marks obtained by respondent no.5 in the process of selection
for Anganbari Sevika has held petitioner's selection to be bad in
law. The Collector has directed to proceed afresh in the matter
of selection of Anganbari Sevika for the center in question.

Petitioner's counsel submits that order of the District



Magistrate is unsustainable inasmuch as in spite of time petition filed by petitioner's counsel, District Magistrate had not allowed time to the petitioner's counsel to place her case before the Collector, though notice was served on the petitioner on 22.08.2012, in the proceedings before the Collector just two days prior to final order passed by the Collector.

Petitioner's counsel further submits that on account of being under age respondent no.5 who was applicant before the Collector was disqualified from the process of selection and therefore, order of the Collector is clearly unsustainable having been passed at the instance of respondent no.5.

Respondent no.5 has appeared in the instant proceedings. Counter affidavit has been filed wherein order dated 19.06.2018 passed in CWJC No. 22138/2014 has been annexed. Writ petition was filed by the present respondent no.5 (Baby Kumari) wherein this court has already directed the District Magistrate, Gopalganj to ensure compliance of his own order dated 24.08.2012, which is impugned in the instant proceedings.

Since there is an order directing for compliance of order dated 24.08.2012 passed by District Magistrate in CWJC No. 22138/2014 wherein respondent no.5 was also a party-



respondent, this court would refrain from passing any order assailing the same order of the District Magistrate, Gopalganj dated 24.08.2012.

Submission of counsel for the petitioner that order was passed in CWJC No. 22138/2014 without hearing the petitioner is an issue to be raised in an appropriate proceedings.

Writ petition is dismissed.

(Madhuresh Prasad, J)

s.hassan/-

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