

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22527 of 2013

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Shobha Kumari Wife of Manoj Kumar Resident of Mohalla Poonpoo Police
Station Poonpoo, District Patna

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors Government Of Bihar, Old Secretariat Building,
Patna
2. The Principal Secretary, Department Of Social Welfare, Government Of
Bihar, Old Secretariat Building, Patna
3. The Divisional Commissioner, Patna Division, Patna
4. The Collector, Patna
5. The Director, Integrated Child Development Scheme, Bihar, Patna
6. The District Programme Officer, Patna
7. The Child Development Project Officer, Poonpoo, District Patna
8. The Gram Panchayat, Poonpoo Bazar, Poonpoo, District Patna
9. The Mukhia, Gram Panchayat Poonpoo Bazar, Poonpoo, District Patna
10. The Gram Panchayat, Jatdumari, District Patna
11. The Mukhia, Gram Panchayat Jatdumari, District Patna
12. Suman Gupta W/O Sri Shiv Kumar R/O Vill.- Poonpoo Bazar, P.O. and P.S.-
Poonpoo, District- Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Verma
For the Respondent/s : Mr.Ajay

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 21-02-2019

Heard learned counsel for the parties.

In the present case, the petitioner is challenging the order dated 8.1.2013 read with 5.3.2013, whereby and whereunder, the appeal of the petitioner has been rejected on the ground that the petitioner had applied for the post of Anganwari Sevika from two Gram Panchayats, one from Poonpoo Bazar and another from the Jat Dumri. From Poonpoo Bazar, she has withdrawn the



application. Now she is pursuing for the post of Anganwari Sevika for the Gram Panchayat Jat Dumri.

This Court is not going to enter into the merit of the case as to whether the petitioner was justified in applying for Anganwari Sevika for two places, one for Poonpoo Bazar and another for Jat Dumri, obtaining residential certificate from the officers of the two different places but, the fact is that this Court is hearing the complaint with regard to failure to give an opportunity of hearing to the petitioner by the Commissioner.

It appears that on 26.11.2012, the case was admitted and the notice was issued to the respondent no.8 and the case was again fixed for 8.1.2013. On 8.1.2013, the time application of the appellant was allowed and the case was fixed on 16.1.2013. On 16.1.2013, it has been recorded the A.C.R. was not received in the office of Commissioner. On 29.1.2013, the case was directed for placing the same on 30.1.2013 and, instead of placing the case on 30.1.2013, the final order has been recorded showing the date as 8.1.2013/5.3.2013 when the case was not fixed either for the argument or for the judgment which itself shows that the Commissioner, Patna Division, failed to give hearing to the petitioner and passed the order holding that the appeal has no merit and dismissed the appeal.



When a quasi judicial body is exercising the power, it requires to see that the fairness of the proceeding should be maintained as the fairness is a hallmark of any judicial and quasi judicial proceeding. If the proceeding is not conducted showing transparency, it requires interference by the higher authority.

In that view of the matter, the order dated 8.1.2013/5.3.2013 is set aside and the case is remanded back to the Commissioner, Patna Division who will hear the petitioner and the private respondent and decide the case on merit but, this Court is making it clear that this Court is not giving any opinion on the merit of the case.

In the result, this writ application stands allowed to the aforesaid extent.

(Shivaji Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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