

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20580 of 2012

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Nirmala Kumari W/o Binod Kumar Yadav, resident of village- Jatcauli, P.O- Dharampur, P.S- Vaishali, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Government of Bihar, Patna.
2. The Commissioner, Tirhut Division, Vaishali
3. The District Magistrate, Vaishali.
4. The Child Development Project Officer, Vaishali.
5. The Mukhia, Gram Panchayat, Jatecauli, Vaishali.
6. The Panchayat Secretary, Gram Panchayat, Jatecali, Vaishali.
7. Smt. Anita Devi W/o Sri Ashok Kumar Yadav, resident of village- Jatecauli, P.O- Dharampur, P.S- Vaishali, District- Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Siya Ram Sahi, Sr. Adv. Dr. Bipin Chandra, Adv.
For the Respondent/s	:	Mr. N.P. Yadav, SC -23 Mr. S.K. Singh, AC to SC-23

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 24-01-2019 Heard learned counsel for the petitioner and the learned counsel for the State.

2. In this case, the petitioner is challenging the order dated 13.09.2010 passed by the Commissioner, Tirhut Division, Muzaffarpur in Service Appeal No. 206 of 2009.

3. The matter relates to appointment of Anganwari Sevika. By the order of the Commissioner, Anita Devi (respondent no.8) was appointed as Anganwari Sevika. It has been informed this Court, Anita Devi has died, but the counsel for the petitioner has submitted that even then the Court can set



aside the order of the Commissioner and revive the order of the Collector. In view of the fact that Anita Devi in whose favour the order has been passed, is no longer in existence and as such no order can be passed against a dead person.

4. In such view of the matter, this petition has rendered infructuous. The post held by Anita Devi will be treated to be a vacant post and the respondents are directed to take steps for fresh recruitment of Anganwari Sevika without any delay, preferably all the process of selection/recruitment of Anganwari Sevika should be initiated within a period of one month from the date of receipt or production of order and entire process should be completed within three months thereafter.

5. With the above observation and direction, this application is disposed of.

(Shivaji Pandey, J)

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