

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.324 of 2016

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1. PRATIBHA KUMARI WIFE OF VIJENDRA KUMAR RESIDENT OF VILLAGE AND POST OFFICE AND PANCHAYAT LAUDH POLICE STATION AND DISTRICT SUPAUL AT PRESENT ANGANBARI SEVIKA FOR THE CENTRE CODE 203, SAHANMA MUSAHARI, UNDER BLOCK AND DISTRICT SUPAUL
2. RAJ KUMARI DEVI WIFE OF KARI SADA, RESIDENT OF VILLAGE SAHANMA BELAHI POST OFFICE AND PANCHAYT LAUDH POLICE STATION AND DISTRICT SUPAUL AT PRESENT ANGANBARI SAHAYIKA FOR THE CWENTRE NO. 203, SAHANMA MUSAHARI UNDER BLOCK AND DISTRICT SUPAUL ... **Petitioners**

Versus

1. THE STATE OF BIHAR THROUGH PRINCIPAL SECRETARY, DEPARTMENT OF SOCIAL WELFARE, GOVERNMENT OF BIHAR, PATNA
2. THE DIRECTOR, ICDS DEPARTMENT OF SOCIAL WELFARE GOVERNMENT OF BIHAR, PATNA
3. THE DISTRICT MAGISTRATE SUPAUL
4. DEPUTY DIRECTOR WELFARE KOSHI DIVISION, SAHARSA
5. THE DISTRICT PROGRAMME OFFICER, ICDS SUPAUL
6. THE CDPO SUPAUL ... **OPPOSITE PARTY- RESPONDENTS**
7. SUJANI KUMARI WIFE OF RAJ KUMAR MANDAL RESIDENT OF VILLAGE LAUDH POLICE STATION AND DISTRICT SUPAUL

... PETITIONER NO.1/ RESPONDENT OPPOSITE PARTY

8. RENU DEVI WIFE FO RAMANAND CHAUDHARY, RESIDENT OF VILLAGE LAUDH, POLICE STATION AND DISTRICT SUPAUL ... **OPPOSITE PARTY**
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Appearance :

For the Petitioners : Mr. Abhay Kumar Jha
For the State : Mr. Arvind Ujjwal, SC 25
For the respondent no. 7 & 8 : Mr. Dharmendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

12 23-01-2019 Heard learned counsel for the petitioners as well as learned counsel for the State.

Petitioners have approached this Court for review of order dated 6.5.2016, passed in C.W.J.C.No. 8474 of 2015. By the said order, this Court has set aside cancellation of selection of respondents no. 7 and 8 as Anganbari Sevika and Sahaika of Center no. 203 Sahanma Musahari, under block and District Supaul. Respondents no. 7 and 8 had been removed in 2012. After exhausting the remedy of appeal before the Deputy



Director, Welfare, Kosi Division, Saharsa in Anganbari Appeal No. 59-126/12 and 60-127/2012 respondent no. 7 and 8 had approached this Court by filing writ petition in 2015.

It is submitted by petitioners' counsel that being selected in the meanwhile as Anganbari Sevika the instant petitioners were proper and necessary party to the said writ petition and as such order has been obtained without impleading them parties to the proceedings. Petitioners are aggrieved by order dated 6.5.2016 which has been passed by this Court without hearing the instant writ petitioners.

On going through the averments made in the writ petition and the letters showing selection of the petitioners on 22.7.2013, annexure 3 series, it is apparent that the selection of the petitioners was conditional and subject to outcome of the pending proceedings which were in respect of respondents no. 7 and 9. Specific clause that appointment/selection of review petitions is conditional is mentioned in paragraph 2 of the selection order itself. Petitioners had accepted their conditional selection subject to outcome of the pending proceedings at the instance of respondents no. 7 and 8. In view of the aforesaid circumstances, they cannot be heard to contend that they had any indefeasible right pursuant to selection dated 22.7.2013,



which was contingent upon the outcome of the pending proceedings, subject to which their selection has been made.

Writ petition is devoid of merit. The same is dismissed.

(Madhuresh Prasad, J)

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