

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.2248 of 2015

In
Civil Writ Jurisdiction Case No.4763 of 2015

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Chandula Kumari, Wife of Manoj Kumar, Resident of village Khaira, Post
Gadhiya, Police Station Saur Bazar, District- Saharsa.

... .. Appellant/s

Versus

1. The State of Bihar
2. The Civil Surgeon cum Member Secretary, District Health Society, Saharsa.
3. The In Charge Medical Officer, Primary Health Centre, Saur Bazar, District Saharsa.
4. Smt. Ranju Kumari, Wife of Shambhu Yadav, Resident of village Khaira Ward no. 10, Post Gadhiya, Police Station Saur Bazar District- Saharsa.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Satish Kumar Singh, Adv.
For the Respondent/s : Mr.Arbind Kumar No. II, S.C.17

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 08-07-2019

Heard Mr. Shrawan Kumar, learned Senior counsel
for the appellant and learned counsel for the State.

The petitioner is aggrieved by the judgment and
order dated 07.07.2015 passed by learned Single Judge in
C.W.J.C. No.4763 of 2015 whereby the writ petition was
dismissed.

Facts of the case briefly stated is that the appellant-



petitioner along with the respondent No.4 were candidates for the post of Asha Worker and since it was the petitioner who was successful, her appointment was questioned by the private respondent before the District Magistrate, Saharsa who by order dated 12.03.2015 upheld the claim to set aside the appointment of the petitioner while holding the private respondent as the most suitable candidate. A direction was issued to the Appointment Committee to initiate fresh process within 15 days next and feeling aggrieved by such decision of the District Magistrate, Saharsa that the petitioner approached this Court through the writ petition in question and which has been dismissed and hence this appeal.

We have heard learned counsel for the parties and we have perused the records and in our opinion the status as explained by the respondents in the counter affidavit filed today is a sufficient indication as to why the claim of the private respondent was upheld by the District Magistrate, Saharsa despite objections being raised on her qualification before the District Magistrate as well as before the learned Single Judge who has endorsed the opinion of the District Magistrate, Saharsa. Before us the same issues being raised by Mr. Shrawan Kumar, learned Senior counsel but having noted the discussions



present in the order of the District Magistrate, Saharsa as affirmed by the Single Judge, we find no reason to interfere with the opinion so expressed. The appeal is dismissed.

(Jyoti Saran, J)

(Partha Sarthy, J)

Bibhash

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