

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No. 528 of 2019

In

Civil Writ Jurisdiction Case No. 19411 of 2015

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Kiran Devi @ Kiran Kumari, aged about 29 years (F), W/o Ravi Yadav
resident of village - Mayurwa, P.O. - Kushaha, P.S. - Triveniganj, District -
Supaul.

... .. Appellant

Versus

1. Meena Devi W/o Rajkumar Yadav Resident of at - Mayurwa, P.S.-
Triveniganj, Block- Triveniganj, Distt.- Supaul.
2. The State of Bihar
3. The Principal Secretary, Social Welfare Department, Govt. of Bihar, Patna
4. The Director Integrated Child Development Scheme, Govt. of Bihar, Patna
5. The Deputy Director, Welfare Department, Kosi Division, Saharsa
6. The District Programme Officer, Supaul
7. The Child Development Project Officer Triveniganj, District- Supaul.

... .. Respondents

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Appearance :

For the Appellant/s	:	Mr. Ajay Thakur Mr. Dudh Nath Singh
For the Respondent/s	:	Mr. Gyan Prakash Ojha (GA-7)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

and

HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAKESH KUMAR)

5. 18-07-2019 Heard Sri Ajay Thakur, learned counsel assisted by

Sri Dudhnath Singh, learned counsel for the appellant and Sri

Gyan Prakash Ojha, learned Govt. Advocate – 7.

2. The present appeal has been preferred under Clause

X of the Letters Patent Appeal against the judgment/order of the

Single Bench of this Court dated 16-04-2019 passed in C.W.J.C.

No. 19411 of 2015. By the said order, the Single Judge has



allowed the writ petition, in which, the order of removal of writ petitioner (i.e. Meena Devi) as Anganbari Sevika of Anganbari Centre No. 167 of Triveniganj in the district of Supaul was challenged. Her selection as Anganbari Sevika was cancelled primarily on the ground that at the time of inspection, the centre in question was found closed.

3. It was submitted by Sri Thakur, learned counsel for the appellant that cancellation of selection of the writ petitioner was not done on the ground of closure of the centre, but it was cancelled due to misconduct committed by the writ petitioner. However, the Single Judge, in view of order passed in ***Savita Kumari's*** case in a writ petition i.e. *C.W.J.C. No. 308 of 2015*, has proceeded, as if, removal was harsh punishment, since only on one day the centre in question was found closed. Sri Thakur, learned counsel for the appellant submits that the Single Judge has passed order on incorrect assumption, as if, selection of writ petitioner (Meena Devi) was cancelled due to closure of centre on one day, but fact remains that it was cancelled due to misconduct of the writ petitioner.

4. Sri Thakur further submits that after removal of the writ petitioner, the appellant was selected, as Anganbari Sevika of said centre, and as such, the Single Judge has passed



incorrect order contrary to the record.

5. Sri Jha, learned Govt. Advocate – 7 submits that pursuant to the order of the writ court, consequential order has already been passed and selection of appellant, as Anganbari Sevika, has already been cancelled.

6. Besides hearing, we have perused the material on record, including the facts and ground set-forth in the memo of appeal. Ofcourse, orally a submission was made that selection of the writ petitioner was cancelled on the ground of misconduct, but no such pleading has been made in the memo of appeal, rather on perusal of the order of the Single Judge, it is evident that selection of writ petitioner was cancelled primarily on the ground that at the time of inspection on one date, the centre was found closed and no such plea was made before the Single Judge regarding misconduct of the writ petitioner. Besides this, it has also been noticed by the Single Judge that the appellant, as Anganbari Sevika, was selected conditionally. It was made clear in the selection order of the appellant that her (appellant) selection would be subject to the result of the proceeding in writ petition preferred by Meena Devi (writ petitioner).

7. In view of facts and circumstances, particularly the



fact that no such ground has been taken in the present appeal as also on going through the order of the writ court, we do not find any error warranting interference.

8. The appeal stands dismissed.

(Rakesh Kumar, J.)

(Anjani Kumar Sharan, J.)

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