

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 12143 of 2019

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Kumari Archana Ranjan, aged about 32, gender – female, Wife of Shri Ranjit Yadav, R/o Village-Bhikhampur Bijwania, Police Station-Chanpatia in the district of Bettiah (West Champaran)

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Government of Bihar, Patna
2. Director, Integrated Child Development Scheme (ICDS), Indira Bhawan, Patna
3. Commissioner, Tirhut Division, Muzaffarpur
4. District Programme Officer (Social Welfare) West Champaran, Bettiah
5. Child Development and Programme Officer, Chanpatia, West Champaran

... .. Respondent/s

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Appearance :

For the Petitioner/s : M/s Bipin Bihari Sinha, Uday Shankar Pandey,
Advocates
For the Respondent/s : Mr Gyan Prakash Ojha, GA VII

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 11-07-2019

Heard learned counsel for the petitioner and the respondent-State.

2 On being faced with the judgment of this Court in the case of Imrana Tarannum @ Bibi Imrana Tarannum -Versus- State of Bihar & Others in the proceedings arising out of CWJC No 18372 of 2015, learned counsel for the petitioner fairly limits his submissions to the extent, that honorarium for the period July, 2017 till removal of the petitioner from the post of Angan Bari



Sevika, be paid to the petitioner. It is further submitted that since the District Programme Officer has directed for selection afresh under order dated 27.05.2019, the petitioner's claim should be considered in the selection process. In this connection, he places reliance on decision of this Court in the case of Smt Geeta Kumari -Versus- State of Bihar & Others so as to contend that the petitioner cannot be denied recognition for the services rendered since her selection till her removal. Decision in the case of Smt Geeta Kumari (supra) is dated 13.12.2011 in CWJC No 17005 of 2011. The relevant portion of the said judgment is being reproduced herein for reference:

“What may or may not have happened in 1981, is hardly relevant today in the year 2010 – 2011. The relationship between the parties is of a Principal and Agent and not that of a Government servant. There are no allegations against the petitioner as an Agent for any deficiency in discharge of duties in dissemination of the welfare scheme of the Government. The petitioner has acquired expertise over the years and which the respondents have found useful. She claims to be fulfilling the age requirement being less than 45 years of age on the relevant date of the advertisement. The Court considers it highly unjust and inequitable on part of the respondents to dig out grounds from the graveyard with regard to matters which have attained finality and have been allowed to continue for long years and then deny such consideration.

The litigation was avoidable by the respondents.



The order dated 31.05.2011 is therefore set aside. Let the petitioner be considered for the post of Lady Supervisor in accordance with the advertisement and law.

The writ application stands allowed.”

3 Having regard to the aforesaid submissions, this writ petition need not be kept pending. The Authority should consider the petitioner's claim for honorarium having regard to admissibility on account of work rendered by the petitioner, in accordance with law and dues found admissible be paid within eight weeks from the date of receipt/production of a copy of this order.

4 In view of the decision of this Court in the case of Smt Geeta Kumari (supra), it is made clear that the petitioner could not be deprived by the authorities of recognition for her past service in the process of selection afresh.

5 Writ petition is disposed of.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.07.2019
Transmission Date	NA

