

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.963 of 2016

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Jaimala Kumari W/O Sri Ashok Sah, Resident of Village- Murasi, P.O- Bela,
P.S.- Beldour, District- Khagaria.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Social Welfare, Government of Bihar, Patna
2. The Director, Directorate of I.C.D.S. Department of Social Welfare, Govt. of Bihar, Patna.
3. The Deputy Director, Welfare, Munger Division, Munger.
4. The District Programme Officer, Khagaria, District- Khagaria.
5. The Child Development Project Officer, Beldour, P.S.- Beldour, District- Khagaria.
6. Nilam Devi, W/O Sri Surya Narayan Sahni, Resident of Village- Kehar Mandal Tola Ekanya Bela, P.O- Bela, P.S.- Beldour, District- Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Awadhesh Kumar Mishra
		M r. Shivpujan Sahay
For the Respondent/s	:	Mr. Aditya Nath Jha, AC to SC 18

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 27-02-2019 Heard learned Counsel for the petitioner and the

learned Counsel for the respondent State.

The petitioner was selected as Anganwari Sevika pursuant to Advertisement No. 1 of 2011-12. The vacancy had occurred on account of removal of earlier Anganwari Sevika (respondent No. 6) on some alleged misconduct/regularities in running the centre in question.

Respondent No. 6 had availed of the remedies before the authorities against her removal from the centre in question.



Upon claim of respondent No. 6 being upheld by the authorities she was entitled to be reinstated as Anganwari Sevika for the same centre. In the meantime the petitioner came to be appointed.

The respondents have thereafter removed the instant petitioner since the claim of respondent No. 6 was allowed by the authorities and her removal from the centre in question was set aside and she was reinstated.

In the circumstances it is submitted by petitioner's Counsel that neither any stipulation was made in the advertisement nor in the selection letter that the petitioner's selection was made subject to pending claim of respondent No. 6 for the same centre in question. She is entitled to be compensated accordingly by appointing her as Anganwari Sevika in some other centre in the same locality.

This Court would observe that if the petitioner raises her claim before the Deputy Director Welfare, Munger Division (respondent No. 3) then the claim has to be considered in light of the extant provisions in the guidelines and disposed by a reasoned and speaking order by respondent No. 3. In case the petitioner approaches respondent No. 3 within a period of four weeks, along with a copy of this order, the claim of the



petitioner be decided by a reasoned and speaking order in
accordance with law within a period of three months thereafter.

The writ application stands disposed of.

(Madhuresh Prasad, J.)

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