

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CIVIL REVIEW No.354 of 2016**

**In**  
**Civil Writ Jurisdiction Case No.5423 of 2015**

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Ranju Kumari Wife of Sri Manoj Kumar Resident of Village- Pathla Pokhar,  
P.O. Korra, P.S. Ghoshi, District- Jehanabad.

... .. Petitioner

Versus

1. The State Of Bihar Bihar.
2. The Collector-cum-D.M., Jehanabad.
3. The District Welfare Officer, Jehanabad.
4. The Child Development Project Officer (C.D.P.O.), Ghosi Block, P.O./P.S. Ghoshi, District- Jehanabad.
5. The District Programme Officer, Jehanabad.
6. Leena Devi Wife of Ravi Kumar Resident of Village- Bajitpur, P.O.- Korra, P.S.- Ghoshi, District- Jehanabad.
7. Kamoda Devi Wife of Krishna Paswan Resident of Pathla Pokhar, P.O. and P.S.- Ghoshi, District- Jehanabad.

... .. Opposite Party

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**Appearance :**

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| For the Petitioner/s :     | Mr.Ashok Kumar Singh & Mr. Brajesh Tiwary |
| For the Opposite Party/s : | Mr. Bijendra Kumar & Mr. Yugal Kishore    |
| For the State              | A.G.                                      |

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**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

5      18-04-2019                      Heard   learned   Counsel   for   the   petitioner   and

respondent State as well as the private respondent.

Respondent No. 6 had filed CWJC No. 5423 of 2015.

She had assailed her removal from the post of Anganwari Sevika at Center No. 62. Having considered the issue, the impugned order, whereby she was removed, was set aside and the Respondent No. 6 as a consequence of setting aside of the impugned order of removal was reinstated.



The instant review application has been filed by the petitioner. It is the case of the petitioner that subsequent upon removal of respondent No. 6 in 2012, she had been selected in her place as Anganwari Sevika for the center in question. Suppressing the aforesaid fact and without impleading the petitioner as party, respondent No. 6 had obtained orders in CWJC No. 5423 of 2015 in respect of her reinstatement. The petitioner complains that since her right was directly affected by the said order, in view of her selection as Anganwari Sevika in the meanwhile, the order dated 18.5.2016 passed in CWJC No. 5423 of 2015 without hearing the petitioner should be reviewed.

Respondents 2 to 5, i.e. the State authorities, have placed on record proceeding of the Aam Sabha dated 3.12.2012, wherein instant petitioner was present and during which Aam Sabha she was selected as Anganwari Sevika for the center in question. The proceeding of the Aam Sabha clearly records at the end of the proceeding that since appointment of the petitioner was being made in place of Leena Devi, in case there is any order in the pending judicial proceeding at the instance of Leena Devi then the same would be final in respect of selection of Anganwari Sevika of the Anganwari Center in question. The nature of right, therefore, right from the Aam Sabha dated



3.12.2012 was contingent upon final adjudication of the challenge at the instance of Leena Devi against her removal. Since this Court had finally found removal of Leena Devi (respondent No. 6) unjust, she was legally entitled to be reinstated.

In view of nature of the contingent right created in favour of the petitioner, she cannot claim a vested right to continue on the same in excess of what was granted by Aam Sabha.

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

**(Madhuresh Prasad, J)**

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