

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19171 of 2019

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Sunita Kumari Wife of Sri Ram Kumar Poddar, Resident of Village-Jadia,
Ward No. 3, P.O. and P.S. and Block-Jadia, District-Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Welfare, Government of Bihar, Patna.
2. The Principal Secretary, Department of Welfare, Government of Bihar, Patna.
3. The Director, I.C.D.S., Bihar, Patna.
4. The Commissioner, Koshi Division, Saharsa.
5. The District Officer-cum-District Collector-cum-District Magistrate, Supaul.
6. The District Programme Officer, I.C.D.S., Supaul.
7. The Child Development Project Officer, Triveniganj, District-Supaul.
8. The Selection Committee for Anganwari Sevika, Gram Panchayat Jadia, P.S.-Jadia, District-Supaul through the Secretary of Gram Panchayat Jadia, P.S.-Jadia, District-Supaul.
9. The Secretary of the Gram Panchayat Jadia, P.S.-Jadia, District-Supaul.
10. The Mukhiya of Gram Panchayat Jadia, P.S.-Jadia, District-Supaul.
11. Asha Devi, Wife of Sri Ashok Poddar, Resident of Village-Jadia, Panchayat Jadia, P.O. and P.S. and Block-Jadia, District-Supaul.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey, Advocate
For the Respondent/s : Mr. Asit Kumar Jha, A.C. to G.P.-2

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date : 04-11-2019

Heard learned counsel for the parties.

2. The petitioner is seeking direction to respondent No. 6 to pass an order on an application filed by the petitioner against termination of her service as *Anganbari Sevika* for *Anganbari* Centre No.219, *Gram Panchayat Jadia* under *Triveniganj* Block, in the district of Supaul.



3. It is evident from the pleadings on record and the documents annexed to the writ application that initially the petitioner was selected as *Anganbari Sevika*. Her selection was put to challenge by Respondent No. 11 before the District Magistrate, Supaul. The said challenge was sustained and the petitioner's selection was held to be invalid by an order dated 28.06.2010, mainly on the ground, that the petitioner was not a resident of the concerned Ward No.2, which is admittedly a requirement for selection to the said post. The petitioner had acknowledged the fact that her name was present in the voter list of Ward No. 03. The petitioner had preferred Appeal before Divisional Commissioner, Kosi Division, Saharsa, against the order of the District Magistrate, Supaul, dated 28.06.2010, giving rise to Service Appeal No. 43 of 2010, who dismissed the same by an order dated 27.11.2010, and thus, affirmed the findings recorded by the District Magistrate, Supaul. The petitioner had approached this Court by filing CWJC No. 291 of 2011 against the aforesaid two orders, which came to be dismissed by an order dated 30.01.2012, noticing the findings recorded by the District Magistrate and the Divisional Commissioner as noted above. The Appeal under the Letters Patent of this Court filed by the petitioner giving rise to LPA No. 413 of 2012 too was dismissed by this Court by an order dated 23.04.2014 (Annexure-9). The petitioner had, it appears, approached the District Teachers Employment Appellate Authority, Saharsa also.



4. It is the petitioner's case that subsequently an inquiry was held by Senior Deputy Collector, Supaul, on a complaint made by the petitioner's husband. The report has been brought on record by way of Annexure-10 to the writ application and based on the said report, it is being contended that the petitioner should have been treated to be a resident of Ward No. 2.

5. The petitioner's complaint has again been turned down by the District Programme Officer by an order dated 08.02.2018 which grieves the petitioner.

6. In my view, the dispute in relation to selection against the post of *Anganbari Sevika* for Centre No. 219 of *Gram Panchayat Jadia* has attained finality with the passing of the order by a Division Bench of this Court in LPA No. 413 of 2012. Such dispute should not have been raised now by the petitioner, and cannot be gone into in the present writ application.

7. This writ application is completely misconceived and is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	06/11/2019
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