

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5577 of 2020

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Nirmala Kumari wife of Shri Rajesh Kumar Sahni Resident of Village- Cheria
Bariyarpur, Panchayat, P.S.- Cheria Bariyarpur, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Welfare Department, Govt. of Bihar, Secretariat, Patna.
2. The Secretary, Department of Welfare, Govt. of Bihar.
3. The Commissioner, Munger Division, Munger.
4. The District Magistrate, Begusarai.
5. The District Welfare Officer, Begusarai.
6. The Block Development Officer, Cheria Bariyarpur Block, District- Begusarai.
7. The Child Development Project Officer, Cheria Bariyarpur Block, District- Begusarai.
8. The Mukhia, Cheria Bariyarpur, District- Begusarai.
9. Ranjana Bharti Wife of Ashok Kumar Agrahari Resident of Village- Cheria Bariyarpur, P.S. Cheria Bariyarpur, District Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Smt. Sudha Ambastha, Advocate
For the Respondent/s	:	Mr. S.K.Mandal, SC 3
		Mr. Neelam Kumari, AC to SC 3
		Mr. Bipin Kumar, AC to SC 3

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

ORAL JUDGMENT

Date : 21-03-2022

Heard learned counsel for the parties.

2. In the instant petition, petitioner has prayed for the following relief/reliefs:

- (i) For set aside/quashing the impugned order dated 18.02.2015 passed by the Respondent No. 2 (The Commissioner, Munger Division, Munger) in Misc. Appeal No. 37/2013.



(ii) To cancel the appointment of Respondent No. 7, 2nd party Smt. Ranjana Bharti, who is illegally appointed as Anganwari Sewika of Centre 67 situated in Sahni Tola of village Cheria Bariyarpur, in the district Begusarai.

(iii) To appoint the petitioner in place of Respondent No. 7, 2nd party as Anganwari Sewika of Centre No. 67 Sahni Tola, Cheria Bariyarpur, District Begusarai.

(iv) For any such other relief/reliefs as the petitioner may be found entitled in the eye of law.

3. Matter relates to selection and appointment to the post of Anganwari Sewika.

4. Petitioner was unsuccessful under OBC category and under OBC category procedure of selection was completed in the year 2003. Petitioner has approached this Court in the year 2007 and got an order for consideration of representation and it was rejected on 05.10.2013 and thereafter, petitioner has invoked remedy of appeal before the Appellate Authority and it was finally decided on 18.02.2015. Even though petitioner has presented the writ petition in the year 2015 and it was under office of objection. The same was not rectified and re-filed. So also petitioner has not sought permission of this Court in withdrawing the earlier petition filed in the year 2015 so as to enable the petitioner to file fresh petition. In other words petition filed in the year 2015 still lie in the Registry.

5. In the absence of rectification of office objection or withdrawal of petition and seeking permission of this Court to file fresh petition, petitioner has presented this petition in the year 2020. There is



no explanation of delay from the year 2015 to 2020 for five years, in other words petitioner slept over the matter between the year 2015 to 2020. Advocate on record, in the present petition, should have advised her client in seeking withdrawal of the earlier petition or rectifying the same and got listed the matter in all fairness. In view of these facts and circumstances and the fact that selection process has completed in the year 2003, on this issue itself petition is liable to be rejected.

6. Today learned counsel for the respondents through C.D.P.O furnished material information that petitioner has secured lesser marks than the 9th respondent that is petitioner has secured 413 marks whereas 9th respondent has secured 452 marks. Even on merit the petitioner has not made out the case. In the light of these facts and circumstances petitioner has not made out the case, hence, writ petition stands dismissed both on the ground of delay and merit.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	22.03.2022
Transmission Date	

