

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12412 of 2018

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Aarti Kumari wife of Sunil Ram, resident of Village- Rajapur, P.O. Bhadariya,
P.S. Amarpur, District - Banka.

... .. Petitioner

Versus

1. The State of Bihar through the Commissioner, Banka, Govt. of Bihar, Patna.
2. The District Magistrate, Banka.
3. The District Programme Officer, District Banka.
4. The Child Development Project Officer, Block - Amarpur, District - Banka.
5. The Mukhiya, Rajapur, Block Amarpur, District Banka.
6. Panchayat Secretary, Panchayat Bhadaria, District - Banka.

... .. Respondents

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Appearance :

For the Petitioner	:	Ms. Shilpi Keshri with Mr. Uday Pratap, Advocates.
For the State	:	Mr. Asit Kumar Jha, AC to GP-2

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 26-09-2022

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

2. The petitioner was a *Sevika* at Center No. 52 in
Panchayat -Bhadaria, within the District of Banka. The center
was inspected on 08.05.2012 and found closed.

3. The petitioner's counsel submits that closure was on
account of the fact that the petitioner fell when she had gone to
fetch water. In support of her injury, she has placed on record
some prescriptions, which is annexed as Annexure-4 to the writ
petition. It is also submitted that prior to the fateful date, there has
never been any complain against the petitioner. It is also



submitted that the extreme consequence of cancellation of her selection as *Anganwari Sevika* for absence on one single day, is clearly excessive and unsustainable.

4. The learned State counsel, referring to averments made in the counter affidavit, submits that the order of the District Magistrate dated 23-02-2016, as contained in Annexure-6 to the supplementary affidavit, rejecting the petitioner's Appeal being Miscellaneous Appeal Case No 75/2012-2013, does not require any interference. The order has taken note of the fact that after 09.10.2012, the petitioner has not even been filing appearances in the appeal and since the petitioner has no interest, she was not appearing in the appeal, the same has rightly been dismissed in February, 2016.

5. On going through the order of the District Magistrate dated 23-02-2016, the Court finds that the District Magistrate has taken note of the fact that the petitioner was not even filing appearances in the pending appeal, let alone be represented in any manner. The appeal, therefore, after being kept pending for more than three and half years, has been dismissed. There is no averment either in the writ petition or in the supplementary affidavit as to why the petitioner was not appearing in the appeal or even denying or disputing this fact. Therefore, this Court does



not find any reason to interfere in the order passed by the District Magistrate dated 23.02.2016 passed in Misc Appeal Case No. 75 of 2012-2013, as contained in Annexure-6 to the supplementary affidavit, assailing which the instant writ petition has been filed after a delay of more than 2 (two) years.

6. Accordingly, the writ petition is dismissed.

(Madhuresh Prasad, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	01-10-2022
Transmission Date	N/A

