

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20434 of 2018

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1. Sanju Kumari and Ors Wife of Shri Ashok Kumar, Resident of Village-Haroja, P.O.- Mednipur, P.S.- Sikraul, District- Buxar.
 2. Kumari Kanchan Prakash, Wife of Shri Santosh Kumar Singh, Resident of Village- Babuganj English, P.S.- Sikraul, District- Buxar.
 3. Pratibha Yadav, Wife of Shri Uma Shankar Singh, Resident of Village-Ahiyapur, P.S. Rajpur, District- Buxar.
 4. Mamata Kumari, Daughter of Late Purushotam Verma, Resident of Mohallah- Thana Road, Buxar, P.S. Buxar Nagar, District- Buxar.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Department of Social Welfare, Government of Bihar.
3. The Director, I.C.D.S., Social Welfare Department.
4. The Divisional Commissioner, Patna Division, Patna.
5. The District Magistrate, Buxar.
6. The Deputy Development Commissioner, Buxar.
7. The District Programme Officer I.C.D.S. Buxar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Chaudhary, Sr. Adv Mr. Akashdeep, Adv Mr. Shyameshwar Kr. Singh, Adv
For the Respondent/s	:	Md. Raisul Haque- SC-10 Md. Obaidullah, AC to SC-10

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 19-09-2022 The issue of contractual engagement of lady supervisor was assailed leading to institution of an inquiry at the level of Divisional Commissioner, Patna. Altogether 42 appointments, including these writ petitioners' appointments were cancelled.

Learned senior counsel for the petitioners submits that



11 out of the said 42 lady supervisors had also approached this Court in CWJC No. 18094 of 2018. The issue of the said case was decided by order of the Division Bench dated 20.12.2019 passed in LPA NO. 770 of 2019 taking note of the fact that irregularities were found in respect of only 5 candidates, whose names have been mentioned in the LPA order itself.

The five persons admittedly in respect of whom there were irregularities are as follows:- Jotismati Kumari, Rupam Kumari, Usha Kumari, Amrita Kumari and Priti Kumari.

The Division Bench, after having considered this aspect of the matter that even though there was no irregularities alleged against the petitioners of CWJC No. 18094 of 2018, they have been made to suffer by termination of their contractual existence, pass the following order:

“In view of the facts and circumstances stated herein above, we respectfully disagree with the decision/observations of the learned Single Judge passed in order dated 29.1.2019 in C.W.J.C. no. 18094 of 2018 and pass the following orders :

(i) The order contained in memo no. 401 dated 8.8.2018 of the Commissioner, Patna Division, Patna and order contained in memo no.



882 dated 13.8.2018 of the District Magistrate, Buxar impugned in the writ application are quashed so far as the appellants are concerned.

(ii) The appellants are directed to be reinstated in service with effect from the date of their termination with all consequential benefits.

(iii) The authorities concerned in the Social Welfare Department shall proceed with the process of selection for filling up the remaining vacancies after appointment of the appellants herein.

In the facts and circumstances of the case, there shall be no order as to costs. The appeal stands allowed to the extent as stated above.”

The petitioners are not amongst the five persons in respect of whom irregularities were found in the inquiry conducted by the Divisional Commissioner, Patna. This fact also is not in dispute.

The Court, therefore, would consider it appropriate to dispose of this matter in light of decision of the Division Bench in LPA No. 770 of 2019, quoted above.

Writ application is allowed in terms of the above



noted facts.

(Madhuresh Prasad, J)

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