

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4746 of 2020

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Hema Kumari, daughter of Baidyanath Mishra, Resident of Village- Sasaula,
Block- Suppi, P.S.-Majorganj, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Secretary, Social Welfare Department, Govt. of Bihar, Patna.
3. The Commissioner, Tirhut Division, Muzaffarpur.
4. The Director, I.C.D.S., Bihar, Patna.
5. The Collector-cum-District Magistrate, Sitamarhi.
6. The District Programme Officer, Sitamarhi.
7. The Child Development Project Officer, Suppi, District- Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr.Devendra Kumar, Advocate
For the State	:	Mr.Gyan Prakash Ojha, GA7 with Mr. Yash Mathur, AC to GA7

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 02-11-2022 The specific averment of the petitioner in paragraph 21 of the writ petition is that cancellation of the petitioner's selection as Sevika has not been interfered with by the Commissioner upon remand, pursuant to the order passed by this Court in CWJC No. 11578 of 2013, whereas in respect of other Centres where the similar allegation was levelled against Sevikas in inspection conducted on the same date as the petitioner i.e. 27.04.2012, they have been reinstated and are continuing to discharge their duties as Sevikas.

The State has filed two counter affidavits and in both



the counter affidavits, they have chosen not to deny the statements made in paragraph 21 of the writ petition claiming parity with other similarly situated. There is no denial or dispute in respect of the statement made in paragraph 21 of the writ petition, which reads as follows:

"21. That in similar circumstances, for the same date i.e. 27.04.2012 same allegation, in same Block cancellation of appointment of one Kiran Kumari, at Anganwari Center No.30 has filed Service Appeal No.74/2012-2013 before Deputy Director, Welfare Department, Tirhut Division Muzaffarpur which was allowed vide order dated 12/12/2014 and she is discharging her duty and another one Rani Devi on 27.04.2012 very same day like petitioner her appointment was also cancelled and she moved before Deputy Director, Tirhut Division Muzaffarpur by filing Service Appeal No. 355 of 2013-14 which was also allowed vide order dated 12/11/2014 and she is also discharging her duty peacefully."

The Court has put a specific query to the petitioner's Counsel whether Sevika has been selected at the Centre No. 29 of Village-Sasaula, Block-Suppi in the district of Sitamarhi, to which the Counsel has submitted that till date no selection has been made at the Centre in question.

Considering the facts and circumstances above and the petitioner's undisputed claim of parity as emanating from the



pleadings, this Court would direct that the petitioner's claim for reinstatement be considered by the Commissioner, Muzaffarpur afresh, based on parity. The matter is remitted to the Commissioner, Tirhut Division (respondent No. 3) for consideration afresh. The remand order dated 06.12.2019 passed on the petitioner's Appeal No.295/2012 shall not come in the way of such consideration. The Commissioner should consider the petitioner's claim within eight weeks from the date of receipt/production of a copy of this order.

Writ petition is disposed of.

(Madhuresh Prasad, J)

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