

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9013 of 2021

Kiran Kumari w/O - Bikki Kumar Prasad R/O - Vill and P.O. - Enayatpur (Manjhi), P.S. - Daudpur, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Social Welfare, Department, Government of Bihar, Patna.
2. The Director, Integrated Child Development Scheme Social Welfare Department, Govt. of Bihar, Patna.
3. The Commissioner, Sadar Saran Division, Chapra.
4. The District Magistrate, Saran.
5. The District Programme Officer, Saran.
6. The Sub-Divisional Officer, Chapra - Sadar.
7. The Block Development Officer, Manjhi, Saran.
8. The Child Development Project Officer, Manjhi, Saran.
9. The Mukhiya Gram Panchayat Raj, Enayatpur, ward no. 9, Centre no. 312.
10. The Lady Supervisor, Gram Panchayat Raj, Enayatpur, ward no. 9, Centre no. 312 Manjhi Saran.
11. The Data Entry Operator, Block Manjhi, Saran.
12. Dolly Kumari W/O - Sanjay Kumar Prasad R/O - Vill and P.O. - Enayatpur (Manjhi), P.S. - Daudpur, District- Saran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shashi Shekhar Tiwary
For the Respondent/s : Mr. Lalit Kishore (AG)

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 16-02-2022

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

Learned counsel for the State accepts notice for respondent nos. 1 to 11.

Service of notice to respondent no.12-Dolly Kumari is dispensed since no adverse order is passed.



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

“i. The letter no. 85 dated 22.01.2021 (Annexure-8 Page-40) issued under the signature of the Child Development Project Officer, Manjhi, Saran may kindly be quashed as the same is having no sanction of law at all.

ii. The respondents may kindly be directed to ensure selection of the petitioner as Anganbari Sevika at the Anganbari Centre, Enayatpur, Ward No.9, Centre No. 312, Manjhi, Saran on the basis of merit position in the selection list read with the development so occurred upon issuance of letter no. 280 dated 17.09.2020 whereby and where under it has been intimated that the respondent no.12 has already tendred her resignation.



iii. An adequate compensation also may kindly be directed to be allowed in favour of the petitioner, whose candidature has been denied in highly illegal and arbitrary manner followed by severe harassment caused due to the action impugned.

iv. The respondent also may kindly be directed to not make any selection over the post in question without taking into consideration the petitioner's candidature, qualification and her merit position in the selection list.

v. The respondents also may kindly be directed to take punitive action against the respondent no.12, who by way of playing fraud has obtained the public employment while causing irreparable loss to the petitioner in connivance with the answering respondents so involved



inter alia.

*vi. Any other relief of reliefs
also may kindly be allowed to the
petitioner for which the petitioner be
found entitled on the opinion of this
Hon'ble Court."*

Petitioner has already invoked remedy of appeal before respondent no.5 as is evident from Case No. 6 of 2020. In the light of these facts and circumstances, respondent no.5 is hereby directed to decide petitioner's appeal/Case No.6 of 2020 within a period of three months from the date of receipt of this order after providing ample opportunity of hearing to the petitioner and respondent no.12-Dolly Kumari.

Accordingly, writ petition stands disposed of.

Selection to the post of Anganbari Sevika is subject to outcome of appeal to be decided by respondent no.5.

(P. B. Bajanthri, J)

Ankit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.02.2022
Transmission Date	NA

