

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Letters Patent Appeal No.293 of 2021**

**Arising out of**

**Civil Writ Jurisdiction Case No.2188 of 2021**

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Mrs. Mira Kumari, Aged about 37 years, Female, Wife of Shashi Kumar,  
Resident of Village-Bhadaura, Ward No.-7, Panchayat- Bhadaura, Police  
Station- Masauri, District-Patna.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Social Welfare, Government of Bihar, Patna.
2. The Director, I.C.D.S., Department of Social Welfare, Government of Bihar, Patna.
3. The Divisional Commissioner, Patna.
4. The District Magistrate, Patna.
5. The District Programme Officer, Patna.
6. The Child Development Project Officer (CDPO), Masaurhi, Patna.
7. Anita Kumari, Wife of Ashok Kumar, Resident of Village- Bhadaura, P.S.- Masaurhi, District-Patna.

... .. Respondent/s

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**Appearance :**

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|--------------------------|---|-------------------------------------|
| For the Appellant/s      | : | Mr. Sanjeet Kumar, Advocate         |
| For the State            | : | Mr. Gyan Prakash Ojha, GA 7         |
| For the Respondent No. 7 | : | Mr. Ramendra Kumar Bharti, Advocate |

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH**

**and**

**HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA**

**ORAL JUDGMENT**

**(Per: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH)**

**Date : 10-11-2022**

Heard Mr. Sanjeet Kumar, learned counsel for the  
petitioner; Mr Gyan Prakash Ojha, learned GA 7 for the State and  
Mr. Ramendra Kumar Bharti, learned counsel for the respondent  
no. 7.



2. The appellant has preferred the appeal being aggrieved by order dated 08.03.2021 passed by the learned Single judge in CWJC No. 2188 of 2021 by which the writ petition filed by the respondent no. 7 has been allowed and he has been held to be deemed reinstated with immediate effect.

3. Learned counsel for the appellant submitted that she has been appointed on the post which fell vacant upon removal of the writ petitioner-respondent no. 7 and because of the judgment impugned, she has been removed from the post. It was submitted that there was no fault on the part of the appellant and she has participated in the due process of selection and has been appointed and, thus, ought not to have been removed.

4. Learned counsel for the State submitted that the appellant has not been removed with any stigma or charge and only because of the fact that even at the time of appointment it was indicated that the same would be governed by the outcome of the case filed by the respondent no. 7-writ petitioner. Thus, it was contended that once her removal itself has been interfered with, as a consequence the appellant has been disengaged.

5. Having considered the submissions of learned counsel for the parties, the Court does not find any ground to interfere. The very appointment of the appellant being contingent upon the result



of the case filed by the respondent no. 7 and she succeeding in the same and being restored to her position, but necessarily, as a corollary and consequence, the appellant had to be disengaged and that is what has been done.

6. Accordingly, the appeal stands disposed of. However, the present removal of the appellant from her post shall neither be a disqualification nor prejudice her if she takes part in any process for appointment to any other post, in accordance with law.

**(Ahsanuddin Amanullah, J)**

**(Sunil Dutta Mishra, J)**

Anand Kr.

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