

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19714 of 2014

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Rekha Kumari W/o Shiv Shankar Yadav resident of village - Chhotki Diha,
Babhan Bigha, Post Office Diha, P.S. Tharthari, Distt. - Nalanda

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The ICDS, Social Welfare Bihar, Patna
3. The Under Secretary Social Welfare Department, Bihar, Patna
4. The D.M. Nalanda
5. The Child Development Project officer, Tharthari, Nalanda, Distt. - Nalanda, Bihar
6. The Assistant Child Development Project Officer, Tharthari, Nalanda Distt. Nalanda null null
7. The Supervisor, Child Development Project Officer, Tharthari, Nalanda Distt. - Nalanda, Bihar
8. The Assistant Child Development Project Officer, Tharthari, Nalanda Distt. Nalanda
9. The Supervisor, Child Development Project Officer, Tharthari, Nalanda Distt. - Nalanda, Bihar
10. Manju Sinha wife of Brij Gope resident of village - Chhotki Diha, Babhan Bigha, Post office Diha, P.S. Tharthari, Distt. - Nalanda

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey, Adv.
For the Respondent/s : Mr.AAG III

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

3 12-12-2022 Heard the parties.

The petitioner has prayed as under :

- i. For issuance of writ in the nature of mandamus remedy and commanding the respondents authority to produce appointment letter of private respondent in court and who has been appointed to the post of Aganwari sevika of Centre no. 110 and after hearing



of the parties your lordships be further pleased to quash the same.

ii. For further direction to the Respondent authority to issue appointment letter to the petitioner for the post of Aganwari Sevika as the petitioner who has applied and accordingly in the merit list she was placed at Sl.No. 1 but inspite of the respondent authorities has appointed the respondent no. 9.

iii. For further direction to the respondent authority to hold an enquiry against the authority concern who inspite of the fact that the petitioner was placed at Sl.No.1 at merit list inspite of their no appointment letter issued to her for non fulfillment of illegal gratification and after holding inquiry take appropriate step to the persons concerned.

iv. For issuance of any appropriate writ/writs, order/orders, direction/direction for which the writ petitioner shall be found entitled under the facts and circumstances of the case.

The post of Aagan Bari Worker does not fall within the ambit of the services of the State as it is a part under a scheme, accordingly, the writ petition is held to be not maintainable. Of course, as per guidelines appeal can be before the concerned District Magistrate.

However, more than eight years have elapsed. In the circumstances since the petitioner did not avail the remedy of appeal, she can not be allowed to now raise the question after



such a long time.

The writ petition is, accordingly, dismissed.

(Sanjeev Prakash Sharma, J)

Shamshad/-
Item No. 11

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