

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9978 of 2020

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Kumari Gaytree Wife of Rambharat Paswan, Resident of Village-Banauli,
P.S.-Darbhanga, District-Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Welfare, Government of Bihar, Patna.
2. The Director, Integrated Child Development Scheme, Government of Bihar, Patna.
3. The Commissioner, Darbhanga Division, Darbhanga.
4. The District Collector-Cum-District Magistrate, Darbhanga.
5. The District Programme Officer, Darbhanga.
6. The Deputy Development Commissioner, Darbhanga.
7. The Sub-Divisional Officer, Benipur, Darbhanga.
8. The Block Development Officer, Alinagar, Darbhanga.
9. The Child Development Project Officer, Alinagar, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dilip Kumar Roy
For the Respondent/s : Mr.Lalit Kishore (Ag)

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

Date : 07-01-2022

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

2. In the instant petition, petitioner has sought for following reliefs:

“(i) A writ in the nature of Certiorari or any other writ, order or direction be issued by quashing the order contained in Memo no. 2572 dated 04.12.2019 passed by the District Collector-cum-District Magistrate, Darbhanga (respondent no. 4), whereby the



contract of the petitioner for service on the post of Aanganbari Supervisor has been terminated on the erroneous observations made in this behalf by the District Collector-cum-District Magistrate, Darbhanga (respondent no. 4).

(ii) A writ in the nature of Mandamus or any other writ, order or direction be issued commanding the respondent no. 4 to reinstate the petitioner as Aanganbari Supervisor with all the consequential and financial benefits.

(ii) Any other writ, order or direction for which the petitioner is found entitled by this Hon'ble Court may kindly be issued."

3. Petitioner is entitled to continue to hold the post of Anganwari Supervisor for a period of one year as her appointment on contract basis is for a period of one year. She is not entitled to continue beyond the period of one year.

4. Learned counsel for the petitioner submitted that identically situated persons have been continuing on contract basis. They have not been arrayed as parties to the present petition.

5. Illegal continuation of some x, y, z persons would not enure to the petitioner unless she points out vested right against Anganwari Supervisor post on contract basis. Apex Court time and again in the case of *Chaman Lal Vs. State of Punjab* reported in (2014) 15 SCC 715 held that illegal benefit cannot be extended. Accordingly, the instant petition stands



dismissed.

6. At this juncture, learned counsel for the petitioner submitted that order or termination is on a different ground.

7. The same shall not be taken into consideration for the reasons that petitioner has no status of the contract appointment against Anganwari Supervisor beyond the tenure appointment. Therefore, reasons for termination is not the material information. Hence, petitioner has not made out a case.

8. Accordingly, the instant petition stands dismissed.

(P. B. Bajanthri, J)

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CAV DATE	
Uploading Date	
Transmission Date	

