

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17083 of 2015

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Sunita Kumari wife of Sanjay Yadav, resident of Village- Mohammadpur, Khemtarni, Asthan under Mohammadpur, Panchayat Ward No.10 Block Suryagarha, PO and PS Suryagarha District Lakhisarai.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director I.C.D.S Integrated Child Development Services, Office of Directorate Social Welfare Department, Government of Bihar, Patna
3. The Deputy Director, Welfare, Munger Division Munger, District Munger.
4. The District Magistrate, Munger.
5. The District Programme Officer, Lakhisarai District Lakhisarai.
6. The C.D.P.O. Suryagarha Block , Suryagarha District Lakhisarai.
7. Smt. Sunita Kumari wife of Bindo Ram, presently working as Panchayat Sevika Under Mohammadpur Panchayat Adapur Khemtarni Asthan, Ward no. 11, Kali Asthan , Suryagarha District Lakhisarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar Singh, Advocate
For the Respondent/s : Mr.Vinay Kirti Singh- Ga3

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT
Date : 21-09-2023

1. The present writ petition has been filed seeking the following relief:-

“That this is a writ application for issuance of writ in the nature of certiorari for setting aside the order dated 9.5.2015 passed by Respondent no.3 in case No.61 of 2014 filed by Respondent no.7 and further a writ in



same nature for setting aside the order dated 2.7.2015 passed by Respondent no.6 whereby petitioners services as Anganbari Sevika of Center No. 27 has been terminated without hearing the petitioner and further writ of mandamus be issued against the respondent to appoint the petitioner as Anganbari Sevika at Center No. 27 of Ward no. 10 under Mohammadpur Panchayat.”

2. At the outset, the learned counsel appearing for the respondent-State has submitted that the respondent no.7 has died during the interregnum period.

3. Nonetheless, it is not in dispute that the order dated 09.05.2015, passed by the Deputy Director, Welfare, Munger Division, Munger in an appeal filed by the respondent no.7, i.e. in Case No.61 of 2014, is an ex parte order, hence it is submitted that the same be set aside and the matter be remanded back to the learned Court of Deputy Director, Welfare, Munger Division, Munger for reconsideration of the entire matter afresh, on merits.



4. Accordingly, the order dated 09.05.2015, passed by the learned Court of Deputy Director, Welfare, Munger Division, Munger in Case No.61 of 2014, being an *ex parte* order, which has been passed without either issuing notice to the petitioner or hearing her, is set aside and the matter is remanded back to the Deputy Director, Welfare, Munger Division, Munger for reconsideration afresh, on merits.

5. It is needless to state that the petitioner shall appear before the learned Court of Deputy Director, Welfare, Munger Division, Munger on 6th October, 2023 at 10:30 a.m. so that she can be heard and thereafter, a decision shall be taken on merits, after hearing the affected parties, as well.

6. The writ petition stands allowed.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.09.2023
Transmission Date	NA

