

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17787 of 2014

=====

Mala Devi @ Mala Kumari wife of Arbind Kumar @ Arbind Kumar Prasad resident of village - Alapur, P.O. and P.S. - Manjhagarh, District - Gopalganj.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Principal Secretary, Department of Social Welfare Department, Government of Bihar, Patna.
3. The Secretary, Department of Social Welfare, Government of Bihar, Patna.
4. The Deputy Secretary, Department of Social Welfare, Government of Bihar, Patna
5. The Director, Social Welfare Department, Government of Bihar, Integrated Child Development Scheme, Department of Social Welfare, Government of Bihar, Patna.
6. The Collector District Magistrate, Gopalganj.
7. The District Programme Officer, Gopalganj.
8. The District Welfare Officer, Gopalganj.
9. The Sub-Divisional Officer, Gopalganj.
10. The Bock Development Officer, Manjha, District - Gopalganj.
11. The Child Development Project Officer, Manjha, District - Gopalganj.
12. Gram Panchayat Raj Sipahkhas through its Mukhiya, Block - Manjha, P.S. - Manjhagarh, District – Gopalganj.
13. The Mukhiya, Gram Panchayat Raj, Block - Manjha, P.S. - Manjhagarh, District - Gopalganj.
14. The Secretary, Gram Panchayat Raj Sipahkhas, Block - Manjha, P.S. - Manjhagarh, District – Gopalganj.
15. Sri Pankaj Kumar son of not known to the petitioner Ex-Collector, Gopalganj and at present posted as Commissioner, Purnea Division, Purnea.
16. Chinta Devi wife of Brij Kishore Manjhi resident of Village - Alapur, P.S. - Manjhagarh, District - Gopalganj.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Amrit Abhijat, Advocate
For the Respondent/s	:	Mr. Anuj Kumar, AC to GP 24
For respondent no. 16	:	Mr. Siya Ram Sahi, Advocate
	:	Mr. Amrendra Kumar, Advocate

=====



CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 02-08-2023

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

“(i) To issue a writ in the nature of certiorari setting aside the order dated 13.02.2014, passed by the respondent no. 6, the Commissioner, Saran Division at Chapra in Aaganwari Appeal No. 107/2013, whereby and where-under he was pleased to set-aside the order dated 12.10.2012 passed by District Magistrate, Gopalganj in Anganwari Case No. 5/2011.

(ii) To issue a writ in the nature of Mandamus commanding and directing the Respondents concerned to select the petitioner against the post of Anganwari Sevika in centre No.38, Alapur, Gram Panchayat-Sipah Khas, Block and post-Manjha, District-Gopalganj as she challenged selection of Private Respondent well within one year, the life time of panel.”

2. The learned counsel for the parties including the learned counsel appearing for the private respondent no. 16 are in agreement that the order dated 13.02.2014, passed by the Commissioner, Saran Division at Chapra in Anganwadi Appeal



no. 107 of 2013 is an *ex-parte* order, inasmuch as the respondent- authorities had not ensured service of notice upon the petitioner, resulting in her being precluded from appearing in the aforesaid proceedings, hence, this Court has no option but to quash the said order dated 13.02.2014 and remand the matter back to the learned Commissioner, Saran Division at Chapra, fixing 24th of August, 2023 as the date of hearing, on which date, all the parties shall appear before the learned Commissioner, Saran Division at Chapra at 10.30 am, failing which, the learned Commissioner shall be at liberty to pass *ex-parte* orders. It is expected that appropriate decision shall be taken within a period of four weeks, thereafter, in accordance with law, by passing a reasoned and a speaking order.

3. The writ petition stands allowed to the aforesaid extent.

(Mohit Kumar Shah, J)

rinkee/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.08.2023
Transmission Date	NA

