

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10861 of 2018

Indu Devi W/o Radhey Shyam, resident of Village- Prasad Nath, Post-Gaura, P.S. Block- Kateya, Dist.- Gopalganj.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Social Welfare, Government of Bihar, Patna.
2. The Director, Directorate of Integrated Child Development Scheme, Department of Social Welfare, Government of Bihar, Patna.
3. The commissioner, Saran Division, Chhapra.
4. The District Magistrate-cum-Collector, Gopalganj.
5. The Deputy Development Commissioner, Gopalganj.
6. The Child Development Project Officer, Kateya, Gopalganj.
7. The Child Development Officer, Panchdeori, Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar, Adv.
For the State	:	Mr. Md. Raisul Haque (SC-10)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 23-07-2024 Heard learned counsel for the petitioner and learned counsel for the State.

2. The present writ petition has been filed for quashing the order dated 11.08.2012 issued *vide* Memo No. 771 passed by the District Magistrate-cum-Collector, Gopalganj (annexed as Annexure-7) whereby and where under, he has cancelled the selection of the petitioner and 17 others declared their selection illegal as Sevika of different centers situated under Kateya Block, District-Gopalganj.

3. Learned counsel for the petitioner submits that this



matter has travelled before this Hon'ble Court twice earlier in Civil Writ Jurisdiction Case No.11328 of 2004 in which *vide* order dated 17.08.2005, the matter was remanded back. Thereafter, it has travelled before this Hon'ble Court in Civil Writ Jurisdiction Case No.10616 of 2007 in which *vide* order dated 09.07.2012, it was directed to the Appellate Authority i.e. District Magistrate-cum-Collector, Gopalganj to pass a reasoned and speaking order after hearing the parties within a period of four months. Thereafter, the Appellate Authority has passed the order in compliance of CWJC No.10616 of 2007 in which the findings relating to the petitioner has come on page no.47 of the petition. Counsel further submits that the District Magistrate-cum-Collector, Gopalganj has categorically observed in its findings that the petitioner was appointed for Anganbari Center No.29, but she was never sent for the training. Counsel submits that the petitioner belongs to the general category, whereas, Anganbari center belongs to the majority of SC category. Counsel also submits that once the appointment has been made, then in that case, the removal shall be bad in law. Counsel relied on Annexure-9 which is letter No.201 dated 30.06.2015 in which it has been acknowledged that the petitioner was appointed on the post of Anganbari Sevika and her appointment



was made on the basis of *Aadhar map panji*.

4. Learned counsel for the State on the other hand submits that the order has been passed by the Appellate Authority meticulously and it has come that in the Aam Sabha, Chairman of the Committee was not present, the signature of proposer not available on the register and in the appointment process, mukhiya was not present. And it is due to this reason, that the mukhiya was not present in Aam Sabha or in the meeting of the Committee, therefore, there is no question of validity of such appointment and this appointment is void ab initio and illegal.

5. As such, in the light of the consideration made by the parties, it transpires to this Court that the District Magistrate-cum-Collector, Gopalganj prior to passing order has constituted enquiry committee and upon consideration of the report of the enquiry committee, he has passed a reasoned and speaking order. The reasons already been assigned in page no. 46 of the writ petition which is annexed as Annexure-7 i.e. order dated 11.08.2012.

6. In light of the reasoning assigned by the District Magistrate-cum-Collector, Gopalganj, this Court is of the firm view that there is no need of any interference in the said order



and hence, the present writ petition stands dismissed.

(Dr. Anshuman, J)

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