

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17649 of 2018

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Bhagwati Devi @ Bhagyawati Devi Wife of Ravi Kumar, Resident of Village-
Ganaura, Police Station- Nathnagar, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Principal Secretary, Social Welfare Department, Govt. of Bihar, Patna.
3. The Director, Integrated Child Development Services, Govt. of Bihar, Patna.
4. The Commissioner, Bhagalpur Division, Bhagalpur.
5. The District Magistrate, Bhagalpur.
6. The District Programme Officer Establishment, Bhagalpur.
7. The Child Development Project Officer, Nathnagar.
8. The Prerna Ranjan, Wife of Ranjan Kumar, Resident of Village- Ganaura
Badarpur, Police Station- Nathnagar, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha, Adv
For the Respondent/s : Mr.Smt. Kumari Amrita - GP-3

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 09-09-2024 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed for quashing of the order dated 28.12.2012 passed in Miscellaneous (Anganwari) Case No. 03 of 2011-12 by the District Magistrate, Bhagalpur whereby the selection of petitioner on the post of Sevika has been cancelled. Further prayer has been made to quash the order dated 30.05.2013 passed in Anganwari Appeal Case No. 106 of 2012-13 by the Commissioner, Bhagalpur, and further seeking a direction to



hold the selection of the petitioner on the post of Anganwari Sevika for Anganwari Centre No. 123, Samudayik Bhawan, Ganaura Badarpur is legal, valid and in accordance with law.

3. Learned counsel for the petitioner submits that the petitioner has been selected on the post of Sevika at Center No. 123, Samudayik Bhawan, Ganaur Badharpur in the light of Anganwari Guidelines, 2010. He further submits that the private Respondent No. 8 had challenged the appointment of the petitioner in Miscellaneous (Anganwari) Case No. 03 of 2011-12 before the District Magistrate, Bhagalpur. The District Magistrate has cancelled the appointment of the petitioner and directed the C.D.P.O, Nathnagar for initiating a process for fresh selection of Sevika in accordance with Anganwari guidelines of 2010. He further submits that the petitioner being aggrieved with the order of the District Magistrate, Bhagalpur has filed Anganwari Appeal Case No. 106 of 2012-13 before the Commissioner, Bhagalpur which was heard and rejected vide order dated 30.05.2013 with direction to District Programme Officer, Bhagalpur to conduct fresh appointment on the post of Anganwair Sevika. Counsel further submits that Respondent No. 8 being aggrieved with the order passed by the Commisioner, Bhagalpur has preferred the writ application



bearing C.W.J.C. 16446 of 2013 challenging the order dated 30.05.2013 in Anganwari Appeal Case No. 106 of 2012-13 and the said writ petition was dismissed vide order dated 19.04.2016. Aggrieved by the said decision, L.P.A. No. 1152 of 2016 was filed and it was allowed vide order dated 10.04.2017 with a direction for appointment of the appellant on the basis of merit list prepared for appointment of Anganwari Sevika. Counsel for the petitioner further submits that the present writ petitioner has also filed C.W.J.C. No. 2151 of 2014 for quashing of the order dated 28.12.2012 passed by the District Magistrate, Bhagalpur and the said writ petition was subsequently, permitted to be withdrawn in view of the order passed in L.P.A. No. 1152 of 2016 by which direction was issued to appoint the Private Respondent No. 8 herein on the basis of merit list prepared. Counsel for the petitioner further submits that the order in the said L.P.A. No. 1152 of 2016 was passed in the absence of the Private Respondent No. 7 (Petitioner herein), as such, the right of the petitioner was adversely affected, and thereafter, the petitioner has preferred Civil Review No. 298 of 2017 which was filed for modification of the order dated 10.04.2017 passed in L.P.A. No. 1152 of 2016. Counsel further submits that the said review application was entertained and vide order dated



13.12.2017, the order passed in L.P.A. No. 11528/2016 passed on 10.04.2017 was recalled and L.P.A. No. 1152/2016 was directed to be restored to the original file. Thereafter, in presence of both petitioner and private respondent final order has been passed in L.P.A. No. 1152 of 2016 which was dismissed on 30.01.2018.

4. Learned counsel further submits that in the light of the order passed in L.P.A. 1152 of 2016 by which direction was issued to appoint Private Respondent No. 8 on the basis of merit list prepared for appointment on the Anganwari Sevika and respondent authority has appointed her.

5. Learned counsel for State submits that it is a unique case in which the present writ petition has been filed for implementation of the observations made by the L.P.A. Bench in L.P.A. No. 1152 of 2016.

6. Upon going through the pleadings, it transpires to this Court that the petitioner has filed the present writ petition, in spite of the fact that remedy is not available here by way of filing the present writ petition, particularly, when the dispute between the parties has already been settled by the Hon'ble L.P.A. Bench. Therefore, this Court is not inclined to interfere by way of entertaining the writ petition.



7. For the aforesaid Act, a cost of Rs. 5,000/- is imposed on the learned counsel for the petitioner which shall be payable to Patna High Court legal Services Committee.

(Dr. Anshuman, J)

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