

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20506 of 2018

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Annu Kumari wife of Munna Rao Resident of Village- Khairahani Done,
ward no. 3, Police Station- Gobrahiya, District - West Champaran Bettiah.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate-cum-Collector, West Champaran, Bettiah.
3. The District Programme Officer, I.C.D.S., West Champaran, Bettiah.
4. The Child Development Project Officer C.D.P.O. Ramnagar, West Champaran, Bettiah.
5. The Mukhiya, Naurangiya Done Panchayat, Ramnagar Block, West Champaran, Bettiah.
6. Smt. Chandmuni Devi wife of Shambhu Resident of village- Khairahani Done, Police Station- Gobrahiya, District- West Champaran, Bettiah.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Lokesh Kumar Singh, Adv
For the Respondent/s : Mr.Sunil Kumar Mandal -SC-3

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 07-10-2024 Learned Counsel for the petitioner and Learned
Counsel for the State are present.

2. The present application has been filed for quashing
of the order dated 30.07.2018 passed by the Collector, West
Champaran, Bettiah in case No. R.M. 47/2016-17 whereby the
District Magistrate-cum-Collector, West Champaran, Bettiah
(Respondent No. 2) has been pleased to set aside the order of
the District Programme Officer, I.C.D.S., West Champaran,



Bettiah (Respondent No. 3) passed in Appeal Case No. 02/2015 dated 31.05.2016/14.06.2016 and directed the authorities to restore the appointment of appellant (Chandmuni Devi) Respondent No. 6 on the post of Anganwari Sevika at Anganwari Centre No. 198, Khairahani, Naurangia done Panchayat, under the block of Ramnagar.

3. Learned Counsel for the petitioner submits that this order has been challenged on two grounds. Firstly, that even after the appearance of the petitioner in the said case, order has been passed without hearing, and secondly, that the alleged wrong which has to be rectified at the level of C.D.P.O. has not been rectified at the said level, but subsequently, it has been rectified in the Aam-Sabha which is apparent from the order itself.

4. Learned Counsel for the State submits that counter affidavit has been filed. Upon bare reading of the counter affidavit, it transpires that decision has been taken and selection has been made completely in accordance with law. He submits that it is true that the C.D.P.O has not taken decision at the appropriate level but the said wrong has been ratified at by Aam-Sabha, therefore, it can be treated as only irregularity and cannot be treated as illegality.



5. Learned Counsel for the private respondent submits that the private respondent has got the highest marks as compared to the petitioner, and therefore, the selection of private respondent has been made in Aam-Sabha is totally in accordance with law.

6. After hearing the parties, it transpires to this Court that the present petitioner has appeared in the proceeding before the District Magistrate-cum-Collector, West Champaran, Bettiah but could not appear on the date of final hearing which has been acknowledge by the District Magistrate, Bettiah in his order. Upon bare reading of the said order, it transpires that the District Magistrate, Bettiah has passed reasoned and speaking order in which it has been admitted that the C.D.P.O. has not taken action at the appropriate stage which was to be taken within the stipulated time, but subsequently, when matter went to the Aam-Sabha, then Aam-Sabha has taken decision and rectified all the wrongs which was committed.

7. As such, this Court is of the firm view that such mistake which has been committed is basically irregularity and not illegality, and hence, this Court is not inclined to interfere with order dated 30.07.2018 passed by the Collector, West Champaran, Bettiah in case No. R.M. 47/2016-17.



8. Accordingly, the present writ petition stands dismissed.

(Dr. Anshuman, J)

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