

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4777 of 2018

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Bibi Rukhsana Khatoon , wife of Md. Minnat Ansari, resident of village-
Dumri, P.S. -Raghopur, District - Supaul

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Social Welfare, Government of Bihar, Patna
2. The Director, Social Welfare, Government of Bihar, Patna.
3. The Director, I.C.D.S., Indira Bhawan, West Boring Canal Road, Patna
4. The Commissioner, Koshi Division, Saharsa
5. The Deputy Director, Welfare, Koshi Division, Saharsa
6. The District Magistrate-cum-District Officer, Supaul
7. The District Programme Officer (I.C.D.S.), Supaul
8. The Child Development Project Officer (C.D.P.O.), Block – Raghopur, District -Supaul
9. Bibi Zafra Khatoon, wife of Abdul Bahaw, resident of village + P.O.- Achalpur, Via-Ganpatganj, P.S. + District -Supaul.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Amrit Abhijat, Advocate
For the Respondent/s : Mr.Md.Raisul Haque -SC10

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 03-01-2024

Heard learned counsel for the petitioner, learned counsel for the State, and learned counsel for the private respondent.

2. Learned counsel for the petitioner submits that the present writ petition has been filed for seeking a direction for compliance of the order dated 19.06.2014 passed by the District Programme Officer, Supaul in Anganbari Case No. 17/2013 and also the order dated 10.08.2015 passed in Anganwari Appeal Case No. 205/2014 by the Deputy Director,



Welfare, Koshi Division, Saharsa. Further prayer has been made for directing the respondents to select the petitioner against the post of Anganwari Sevika in centre No. 128, Gram Panchayat-Dumri, Block-Raghopur, District-Supaul. The petitioner has further prayed to set aside advertisement No.1/2018, Raghopur Scheme, Serial No.18 so far it advertises the vacant post of Anganwari Sevika in accordance with the advertisement.

3. Learned counsel for the petitioner submits that vide order dated 19.06.2014 passed by the District Programme Officer in Anganwari Case No. 17/2013, the order was passed in his favour and against private respondent No.9 who has been removed from the post of Anganwari Sevika, against which the private respondent has preferred Anganwari Appeal Case No. 205/2015 which was dismissed against respondent No.9. Learned counsel for the petitioner further submits that the reasons best known to the respondent authorities, the orders passed by the Child Development Project Officer and confirmed by the appellate authority has not been complied and, thereafter, the petitioner has preferred the present writ petition.

4. Learned counsel for the private respondent submits that against the order of the appellate authority passed in Anganwari Appeal Case No. 205/2015, the private respondent



has preferred CWJC No. 2361 of 2016 in which final order was passed on 02.05.2019 and the competent appellate authority was directed to examine the said receipt and the persons who have given the initial on the receiving under the extent guidelines as of today after giving an opportunity of hearing to the petitioner and the other concerned persons without being prejudiced by the finding in the order of the Appellate Authority dated 10.08.2015 passed in Anganbari Appeal No. 205/2014. Counsel for the petitioner submits that there was no occasion in which he became aware of the filing of CWJC No. 2361 of 2016 by the private respondent No.9 nor any notice has been received from the appellate authority (in Anganbari Appeal) in this regard.

5. Learned counsel for the State, on the other hand, submits that the present case has already become infructuous due to the reason that the order dated 19.06.2014 passed by the District Programme Officer, Supaul has already been complied as the Child Development Project Officer, Raghapur, Supaul in compliance of the said order convened a meeting of Aam Sabha on 06.05.2015 in which five candidates including the petitioner and private respondent No.9 appeared, but none of the candidates were found suitable for the post of Sevika. Learned counsel further submits that this fact has been



suppressed/concealed by the petitioner as well as by the private respondent and only due to this reason this dispute is still continuing. Whereas the actual fact is that the matter has already become infructuous, after the decision taken in the Aam Sabha on 06.05.2015. Learned counsel for the State specifically pleaded in paragraph 15 of the counter affidavit that both the petitioner and the private respondent have already appeared afresh in the advertisement in question i.e. 01/2018 for the selection on the post of Anganwadi Sevika, but this fact has also been suppressed by the petitioner as well as by the private respondent in the present writ petition.

6. In the light of the submissions made, particularly when the order dated 19.06.2014 passed in Anganbari Case No. 17/2013 has already been complied vide order dated 06.05.2015, there is no cause of action left either for the petitioner or for the private respondent No.9. As such, the present writ petition stands dismissed as having become infructuous.

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	05/01/2024
Transmission Date	NA

