

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1557 of 2017

In
Civil Writ Jurisdiction Case No.1598 of 2014

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Smt. Kumkum Devi Wife of Shri Pramod Kumar Singh Resident Of Village
P.O. P.S. Nawanagar, District - Buxar, At Present Aanganbari Sewika,
Yadav/Koeri Tola, Centre No.2, Nawanagar, Panchayat Block P.S.
Nawanagar, District - Buxar.

... .. Appellant/s

Versus

1. The State of Bihar
2. The Principal Secretary, Social Welfare Department, Government of Bihar,
Vikas Bhawan, Patna.
3. The Director, Integrated Child Development Scheme (I.C.D.S.) Bihar,
Vikash Bhawan, Patna.
4. The Divisional Commissioner, Patna Division Patna -Cum -Appellate
Authority, Patna.
5. The District Magistrate, Buxar.
6. The District Programme Officer, Buxar.
7. The Sub Divisional Officer, Dumraon, District - Buxar.
8. The Child Development Project Officer, Nawanagar, District - Buxar.
9. The Gram Panchayat Raj, Nawanagar through its Panchayat Secretary.
10. The Mukhiya, Gram Panchayat Raj, Nawanagar, District - Buxar.
11. Gram Panchayat Secretary, District - Buxar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjay Kumar, Advocate
For the Respondent/s : Mr. Manish Kumar, AC to AAG-6

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER



(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

15 02-02-2024

On 08.01.2024, following order was passed:-

“Learned counsel for the Respondent-State on instructions submitted that there were certain irregularities in the process of selection and appointment on the post of Anganbari Sewika. Therefore, appellant is not entitled to reliefs sought in the present appeal.

2. Perusal of the records it is evident that, there is no material evidence that there is a lack of eligibility qualification of the Appellant - Smt. Kumkum Devi. If there are certain irregularities in the process of Selection and Appointment on behalf of the Official - Respondents the appellant shall not be penalized for the reasons that her appointment was in the year 2002 and her services were terminated on 03.02.2010 and it was subject matter of litigation before this Court in C.W.J.C No. 5290 of 2010 in which order of termination was set aside and directed the concerned Authority to reinstate. The appellant was reinstated and once again action has been taken and it was subject matter of litigation before this Court C.W.J.C No. 11586 of 2012 and further litigation of C.W.J.C No. 1598 of 2014 and the present L.P.A.

3. In other words, unnecessarily the appellant has been resorted to judicial forum for no fault on her part. It is also noticed that subject matter Anganbari Sewika post is still vacant as on today. In that event, the Official - Respondent could always accommodate Smt. Kumkum Devi - Appellant with rider that she was not entitled to arrears of salary for certain period or in the



alternative pay lump sum of Rs. 5,00,000/- (Five Lakhs) as a compensation, if there are error committed by the Selecting and Appointing Authority in the year 2002 insofar as appointing the Appellant - Smt. Kumkum Devi. In this regard learned State Counsel hereby directed to secure instructions from the competent authority before the next date of hearing.

4. Re-list this matter on 29.01.2024.”

2. Today, learned counsel for the respondents, on instruction, submitted that the appellant would be reinstated with a rider that whatever certificate furnished by her would be examined in a domestic enquiry.

3. Taking note of such submission, we proceed to allow L.P.A. No. 1557 of 2017 in part to the extent that the respondents would reinstate the appellant within a period of four weeks from today. She is entitled to 25% back-wages from the date of termination namely with effect from 03.02.2010 till reinstatement, which will be calculated and disbursed in favour of the appellant within a period of four weeks. Thereafter, official respondents are directed to initiate domestic enquiry if it is warranted at this distant point of time i.e. after one and half decades from the date of her initial appointment. They may undertake such exercise and proceed to pass final order after following due opportunity of hearing to the appellant in the



domestic enquiry.

4. Accordingly, the instant L.P.A. is allowed in part while modifying the order of learned Single Judge dated 11.09.2017, passed in C.W.J.C. No. 1598 of 2014.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

Amrendra/-

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