

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10302 of 2018

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Sunita Kumari @ Sunita Singh w/o Bivash Kumar Singh resident of village
and P.O. Jethaur Jammua, Gram Panchayat, Bishanpur, District - Banka.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Principal Secretary, Department of Social Welfare, Government of Bihar, Patna.
3. The Director, I.C.D.S Department of Social Welfare, Government of Bihar, Patna.
4. The Commissioner, Bhagalpur Division, Bhagalpur.
5. The Deputy Director, Welfare Bhagalpur Division, Bhagalpur.
6. The District Magistrate, Banka.
7. The Deputy Development Commissioner, Banka.
8. The District Welfare Officer, Banka.
9. The Block Development Officer Amarpur, District - Banka.
10. The Block Child Development Project Officer, Amarpur, District - Banka.
11. The Mukhiya Bishanpur Gram Panchayat Block - Amarpur, District - Banka.
12. Nutan Devi w/o Nand Kumar Singh resident of village - Kaitha Tipar, Block - Amarpur, District - Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Jitendra Kumar Roy, Adv. Mr. Anand Kumar Singh, Adv.
For the State	:	Mr. S. K. Mandal (SC-3) Mr. Arjun Prasad (AC to SC-3)

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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 23.11.2017 in Misc.(Service Appeal
Case) Appeal No.2 of 2017-18 passed by the Commissioner
Bhagalpur Division, Bhagalpur (annexed as Annexure-1).



3. Learned counsel for the petitioner submits that the petitioner has earlier moved before this Hon'ble Court in Civil Writ Jurisdiction Case No.13545 of 2010 in which *vide* order dated 05.05.2017, the matter was remanded back and direction was made to pass order afresh and again in-spite of the order of remand, the Appellate Authority has passed the order against the petitioner. Therefore, the petitioner has challenge the same before this Hon'ble Court. Counsel further submits that the appointment was not made in accordance with law and there were discrepancies in the said appointment.

4. Learned counsel for the State submits that the order passed by the Appellate Authority is basically a reasoned and speaking order in which it has been categorically held that at the time of filing of the application, the petitioner possesses the intermediate degree in 3rd division, whereas, the respondent possesses intermediate degree in 2nd division. And it is due to this reason, the person who got higher marks was entitled to be appointed as *Anganbari Sevika*. Counsel further submits that delay has intentionally been done by the Child Development Project Officer (CDPO) which has been acknowledged by the Commissioner and it is due to this reason, he has directed to recommend for disciplinary action against the CDPO and



decided this matter completely in accordance with the eligibility submitted by them in the application form.

5. In the light of the operative part in the order passed by the Commissioner, Bhagalpur Division, Bhagalpur, it transpires to this Court that after consideration of every evidence, the Commissioner reached on the conclusion that at the time of filing of the application, the petitioner possesses the intermediate degree in 3rd division, whereas, the respondent possesses intermediate degree in 2nd division and it is due to this reason, he has decided this matter in favour of the respondent.

6. So far as the wrong done by the CDPO, a departmental proceeding has been recommend and therefore, this Court is of the firm view that there is no need of any interference in the order and hence, the present writ petition stands dismissed.

(Dr. Anshuman, J)

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