

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3613 of 2017

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Sabita Kumari W/o Bhagya Narain Prasad of Vill - Bhagwanpur, P.S. -
Madhuban, Dist. - East Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Social Welfare Department, Govt. of Bihar, Patna.
3. The Commissioner, Tirhut Division at Muzaffarpur.
4. The District Magistrate, East Champaran at Motihari.
5. The District Welfare Officer, East Champaran, Motihari.
6. The District Programme Officer, East Champaran, Motihari.
7. The Child Development Project Officer, Tetaria, East Champaran, Motihari.
8. The Mukhiya, Gram Panchayat Raj, Kothia, Dist. East Champaran, Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sangeet Deokuliar, Advocate
For the Respondent/s : Mr. G.P. Ojha- GA-7

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 20-03-2025 Learned Counsel for the petitioner and Learned
Counsel for the State are present.

2. The present writ petition has been filed for the
following reliefs:-

*(i) For issuance of any
appropriate Writ, Order/s, Direction/s to
consider and act upon the application of the
petitioner dated 16.01.2017 addressed to
District Magistrate, East Champaran,
Motihari and other concern officers of the
district, for her appointment on the post of
Anganbari Sevika for Anganbari Centre No.*



36 at Village Bhagwanpur of Gram Panchayat Raj, Kothia on the basis of the provisions of the Rules followed in the year 2007 in the light and compliance of the order dated 16.05.2013 passed in C.W.J.C. No. 7621 of 2013 (Sabita Kumari Vs. The State of Bihar & others).

(ii) To quash the notice dated 05.04.2016 issued under signature of Principal Secretary, Social Welfare Department, Bihar, Patna for the appointment of Anganbari Sewika for Anganbari Centre No. 36 at Village Bhagwanpur of Gram Panchayat Raj, Kothia as per the new Rules, in the facts and circumstances of the present case.

(iii) For issuance of any appropriate Writ, Order/s, Direction/s to the Respondents to make appointment on the post of Anganbari Sewika at Village Bhagwanpur of Gram Panchayat Raj, Kothia as per the Rules existing at the time of the direction of the Hon'ble Court regarding the said centre in CWJC No. 7621 of 2013 giving age relaxation to the petitioner.

(iv) For issuance of any appropriate Writ, Order/s, Direction/s to the Respondents to make employment of the petitioner on the post of Angan Bari Sewika



as she was denied her employment illegally.

(v) For grant of any other relief or reliefs if the petitioner is found entitled to.

3. Learned Counsel for the petitioner submits that the petitioner had earlier moved before this Hon'ble Court in CWJC No. 7621 of 2013, in which, *vide* order dated 16.05.2013, this Hon'ble Court disposed off the writ petition with observations and clarifications. Thereafter, Counsel for the petitioner submits that the concerned authority has not taken decision in accordance with the order passed by this Hon'ble Court. Counsel further submits that the petitioner filed several representations, including the representation dated 16.01.2017, to the District Magistrate, East Champaran, Motihari, but no decision has been taken by the District Magistrate, East Champaran, Motihari. Consequently, the petitioner moved before this Hon'ble Court.

4. It transpires to this Court that after filing of the writ petition, this Hon'ble Court, *vide* order dated 29.03.2018, categorically directed the Counsel for the State to file a counter-affidavit within four weeks. However, after a lapse of about 7 years, the counter affidavit has still not been filed, and this case has been listed today.

5. Since, the State has not filed the counter-affidavit



and the matter has been pending before this Hon'ble Court since last 7 years, this Court deems it fit to dispose off the present writ petition with a specific direction that to the petitioner to file a fresh representation before the Collector / District Magistrate, East Champaran at Motihari (respondent No. 4), along with his representation dated 16.01.2017 along with a copy of the order passed by this Court.

6. The Collector / District Magistrate, East Champaran at Motihari (respondent No. 4), is directed to pass order on the representation of the petitioner within 90 days from the date of production of the order. In case the Collector / District Magistrate, East Champaran at Motihari (respondent No. 4), has already passed the order on the representation dated 16.01.2017, he shall communicate about his decision taken on the petitioner's representation within the said time.

7. With this direction the writ petition stands disposed off. The petitioner shall be at liberty to take further action in the light of the decision taken by the Collector / District Magistrate, East Champaran at Motihari (respondent No. 4).

(Dr. Anshuman, J.)

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