

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.534 of 2018

In

Civil Writ Jurisdiction Case No.15196 of 2013

Sirat Sultana, W/o Md. Aftab Alam, R/o Ward No. 6, Village- Pachira, P.S.- Raniganj, District- Araria

... ... Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Bihar, Patna
2. The Director, I.C.D.S., Directorate of Social Welfare, Patna, Bihar
3. The District Magistrate, Araria
4. The District Programme Officer, Araria
5. The Child Development Programme Officer, Raniganj Block, District- Araria
6. The Circle Officer, Raniganj Block, District- Araria
7. The Jan Jagran Sakti Sangathan through it's Secretary, A-5, Sidharth Apartment, Jagdeo Path, Bailey Road, Patna, Patna 800014 (Bihar)
8. Gunjan Kumari, W/o- Shri Raj Kumar, R/o- Village- Kajra, P.S.- raniganj, District- Araria.
9. Sulekha Devi, W/o- Shri Digambar Lal Das, R/o- Village- Kamalpur, P.S. Raniganj, District- Araria
10. Neelam Kumar, W/o- Jaishankar Prasad Singh, R/o- Village- Kajra, P.S. Raniganj, District- Araria
11. Saroj Devi, W/o- Sachidanand Mandal, R/o- Village- Pachira, P.S. Raniganj, District- Araria
12. Bibi Rafatjahan, W/o- Md. Hasibur Rahman, R/o- Village- Pachira, P.S. Raniganj, District- Araria
13. Anuradha Devi, W/o- Suresh Prasad Yadav, R/o- Village- Raghpur, P.S. Raniganj, District- Araria
14. Anita Devi, W/o- Shri Narayan Goshwami, R/o- Village- Raghpur, P.S. Raniganj, District- Araria
15. Sharla Kumari, W/o- Kailash Singh, R/o- Village- Kamaipur, P.S.- Raniganj, District- Araria
16. Kanchan Kaushik, W/o- Manoj Kumar Mandal, R/o- Village- Pachira, P.S.- Raniganj, District- Araria

... ... Respondent/s

Appearance :

For the Appellant/s : Mr. Rakesh Kumar Singh, Advocate

For the Respondent/s : Mr. Gyan Prakash Ojha- GA-7



**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)**

Date : 30-04-2018

Delay of 149 days in filing of this appeal is condoned.

I.A. No. 3015 of 2018 stands allowed and disposed of.

Leave granted to the appellant to file this appeal. I.A. No. 3016 of 2018 stands allowed and disposed of.

Seeking exception to an order dated 16.10.2017 passed by the learned Writ Court in C.W.J.C. No. 15196 of 2013 this appeal has been filed by the appellant.

It is the grievance of the appellant that she was appointed as Anganwari Sevika and now an order adverse to her has been passed behind her back which could have effect of removing her from the post held by her. It is stated that the order passed which has adverse effect on her service condition is unsustainable and, therefore, interference be made.

Respondents, the original petitioners in the writ petition, were working as Anganwari Sevikas. Their services were terminated and on the vacancy created after their termination, the present appellant was appointed. However, the original Anganwari Sevikas who were the petitioners approached this Court pointing out that their termination was



illegal. It has been done in violation to the principles of natural justice, proper show-cause notice along with documents and other material were not supplied to them and, therefore, the adverse action taken for terminating their selection is illegal.

The learned Writ Court found that the termination order issued against the original petitioners were in violation of the principles of natural justice, interfered into their termination order and directed for issuing fresh show-cause notice and taking action afresh against the original petitioners.

Now, it is the grievance of the appellant that she was not heard before passing of the aforesaid order as the order impugned passed by the Writ Court being adverse to her, the same is unsustainable.

We are unable to subscribe to the aforesaid contention of the appellant. The right for appointment to the post in question accrued to the appellant by virtue of the termination of the original petitioners in C.W.J.C. No. 15196 of 2013 and if the termination of the original petitioners is found to be illegal, the consequence would be that the appellant herein will have to make room for adjustment of the original petitioners whose termination resulted in creation of the vacancy and appointment of the present appellant.



Accordingly, taking note of the circumstances, we see no reason to make any indulgence into the matter. The Letters Patent Appeal stands dismissed.

(Rajendra Menon, CJ)

(Sanjay Kumar, J)

P.K.P./-

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