

Patna High Court - Orders

Kumari Rekha Bharti vs The State Of Bihar & Ors on 18 April, 2011

IN THE HIGH COURT OF JUDICATURE AT PATNA
CWJC No.3408 of 2008

Kumari Rekha Bharti, wife of Sri Man Singh, village Kumhrar Pakar, PS Sakra, District Muzaffarpur - Petitioner.

Vs.

- 1) The State of Bihar through the Secretary, Social Welfare Department, Bihar, Patna.
- 2) Directorate of ICDS, Social Welfare Department, Bihar, Patna.
- 3) The Dist. Magistrate, Muzaffarpur.
- 4) District Programme Officer, Muzaffarpur.
- 5) Child Development Project Officer, Sakra, Muzaffarpur.
- 6) Child Development Project Officer, Dholi (Muraul), Muzaffarpur - Respondents.

4 18.4.2011

I.A. No. 5225 of 2008:

This interlocutory application has been filed by Vimal Bharti for being added as respondent in this case.

The intervention petition is allowed for the reason that she is a necessary party as she would be affected by any order passed in this writ petition.

The case of the respondent intervenor is that she has higher marks and, therefore, has been selected to the post of Aanganbari Sevika after cancellation of petitioner's engagement by the District Programme Officer vide order, dated 9.1.2008 contained in Annexure 8.

Counsel appearing on behalf of the petitioner relies on a judgment in the case of Prabha Kumari Devi vs. State of Bihar, 2010 (1) PLJR 374 wherein a Division Bench of this court has held that the District Programme Officer does not have the power to pass any order of termination.

Given the facts aforesaid, the District Magistrate, Samastipur is directed to hear the petitioner and the intervenor respondent, on receipt of a copy of this order, within a period of four weeks. During the interregnum period the service of the intervenor respondent shall not be disturbed.

I accordingly quash the order contained in Annexure 8 and dispose of this application with the aforesaid direction.

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(Sheema Ali Khan, J.)