

**In The Court of Commissioner, Saran Division, Chapra  
Misc. Petition No. 428/2007**

**Taramati Devi**

**Vrs.**

**The State of Bihar**

**ORDER**

13.06.2015 - The instant petition is directed against the impugned order alleged to be contained in wireless message of Civil surgeon, Siwan addressed to medical officer-incharge, maharajganj Vide No. 1148 dt. 06.07.07 whereby and whereunder the selection of Aasha workers in the Pokhra Panchayat of Maharajganj Block was cancelled.

The brief facts of the case are that some Aasha workers were selected for Pokhra Panchayat of Maharajganj block of Siwan district in the year 2006. Thereafter, the incharge medical officer reported the matter wherein it was stated that gross irregularities were committed in the said selection and subsequently the said selection was cancelled by the D.M., Siwan. This led to filing of this instant petition for quashing the said order of the D.M., Siwan by the then Mukhiya of the said panchayat.

Heard the learned counsel for the parties.

The learned counsel appearing on behalf of the petitioner submitted that the then Mukhiya exercising her power of appointment/ selection of Aasha worker as conferred on her by the Bihar Panchayat Raj Act., and accordingly she selected the candidates. But the cancellation order in respect of said selection was passed in utter violation of principle of natural justice. He further submitted that the incharge medical officer with malafide intention, oblique behaviour and ulterior motive got cancelled the said selection. He also challenged the veracity and genuineness of the said wireless message also by which cancellation order said to have been communicated. He lastly submitted that the impugned order be set aside.

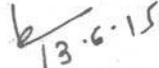
The learned Govt. Pleader, appearing on behalf of the state, on the other hand, opposing the submission made by the learned counsel for the petitioner, argued that this case is not maintainable before this Court as Mukhiya has got no power to challenge the impugned order as she was not directly affected by the said order.

Considering the facts and circumstances of the case and on going through the various papers available on record, it is seen that the maintainability of this case was very much in dispute from beginning and the learned counsel for the petitioner was directed earlier to file the specific provision regarding the maintainability of the case before the court. The learned counsel failed to cite any relevant provision of any rules or guidelines in this connection till date.

Thus, for the aforesaid reason, I do not find any reason to pass any order in this case.

Accordingly, this petition is dismissed for want of maintainability.

Dictated and Corrected by me.

  
13.6.15  
Commissioner,  
Saran Division, Chapra

  
13.6.15  
Commissioner,  
Saran Division, Chapra