

SUPREME COURT OF INDIA

Rita Kumari

Vs.

State of Bihar

S.L.P(C) No.17570 of 2003

(K. G. Balakrishnan and A. S. Lakshmanan JJ.)

09.07.2004

ORDER

Heard learned counsel for the parties.

1. Leave granted.

2. The appellant was appointed as Auxiliary Nurse Midwifery (A.N.M.) in the year 1990, and her service was terminated on 24-12-1991. The appellant challenged the same by way of a writ petition. The Division Bench of High Court dismissed the same on the ground that the appointment was not made in accordance with the rules as there was no specific advertisement for the appointment. The judgment of the Division Bench is challenged before us.

3. Counsel for the appellant drew our attention to the circular issued by the State Government on 26.2.86 and it is submitted that appointment of the appellant was made strictly in accordance with the circular issued by the Government. As regards these appointments, the High Court in certain cases has taken different view.

4. We do not want to express any view on this matter; however, in the facts and circumstances of the case, the respondent-State is directed to reinstate the services of the appellant within a period of one month. It is recorded that the appellant is willing to forego her back wages.

5. The appeal is disposed of accordingly.