

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13523 of 2014

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1. Sahjadi Parveen wife of Md. Sharif Ansari @ Sharif Alam, resident of village - Dahua, Police Station - Bounsi, District - Banka

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Social Welfare, Government of Bihar, Patna
2. The Director, Integrated Child Development Scheme, Indira Bhawan, Bailey Road, Government of Bihar, Patna
3. The Divisional Commissioner, Bhagalpur Division, Bhagalpur
4. The Deputy Director Welfare, Bhagalpur Divisional, Bhagalpur
5. The District Magistrate, Banka
6. The District Programme Officer, Banka
7. The Child Development Project officer, Banka, District - Banka
8. Tabassum Ara wife of Mumtaj Rejaul Ansari, resident of village - Dahua, Police Station - Bounsi, District - Banka

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Balram Kapri
For the Respondent State: Mr. Sanjeet Kumar Singh, AC to AAG10
For Respondent No. 8 : Mr. Umesh Kumar Verma

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 18-09-2015

There are two findings which have been given by the appellate authority, which are under challenge in the present writ application. Annexure-4 dated 31.3.2014 is the order whose quashing petitioner is seeking. Private respondent No.8 moved the appellate authority assailing the order of District Programme Officer challenging the selection and appointment of the present petitioner.

Bereft of all other facts there are two significant findings based on which the appellate authority allowed the appeal of the



private respondent. One that she had not attained the age of 18 years on 1.1.2011 which has significance because no person, who is a minor, can be selected for performance of duty on contract with the said agency. The other finding is about the private respondent, not being the resident of the ward in question. The finding is that such a plea is not established on the available materials on wishy-washy kind of a voter list.

Submission of the learned counsel for the petitioner is that both the findings are erroneous because in terms of the guidelines relating to such selection the age of 18 years has to be achieved on 1st January of the year of advertisement. The advertisement is dated 4.7.2012 on which date the petitioner was of 18 years of age.

Such a contention could have merited consideration provided the advertisement itself did not clearly indicate as to what should be the age and on what date. The date indicated is 1st January, 2011. If one has to go by the advertisement, no amount of challenge to the advertisement can be entertained because these advertisements relate to the period when vacancies had arisen and are required to be filled up by this exercise.

If the petitioner fails on the first point then not much is required to be said about the assertion of the petitioner with regard to residence of private respondent no.8, on which also there is no clear

and categorical finding in support of the allegations made by the petitioner with regard to her residence.

Appellate authority therefore has rightly interfered and set aside the order of the District Programme Officer. No interference therefore is needed with the said decision.

Writ application is dismissed.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

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