

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1212 of 2011

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Usha Kumari, wife of Nagendra Prasad, resident of village- Karan Bigha,
P.S. Shankardih, P.S. Parwalpur, District- Nalanda

.... Petitioner

Versus

1. The State of Bihar
2. District Magistrate, Nalanda , Biharsharif
3. District Programme Officer, Nalanda, Biharsharif
4. Sub Divisional Officer, Hilsa, District-Nalanda
5. The Child Development Planning Officer, Parwalpur, Nalanda
6. Most. Kumari Kiran Sinha, daughter of Late Pursottam Prasad, resident of village- Pillich, P.S. Shankardih, P.S. Parwalpur, District- Nalanda
7. Bimla Kumari, wife of Janardan Prasad, resident of village- Karan Bigha, P.S. Shankardih, P.S. Parwalpur, District- Nalanda

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Shashi Chandra Pandey

For the Respondent/s : Mr. AC to SC-15

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5 02-11-2015 Heard Sri Shashi Chandra Pandey, learned counsel for
the petitioner and learned AC to SC-15.

The petitioner, invoking writ jurisdiction of this Court under Article 226 of the Constitution of India, has prayed for directing the Respondents to consider the case of the petitioner for being appointed as Anganbari Sevika after granting relaxation of age.

Learned counsel for the petitioner submits that earlier the petitioner had filed a writ petition vide C.W.J.C.No.3905 of 2010 regarding her appointment. The said writ petition was disposed of granting liberty to the petitioner to file application



before the District Magistrate and the District Magistrate was directed to examine and decide the same. Learned counsel for the petitioner has placed Annexure-6 to the writ petition i.e. order dated 28.10.2010 passed in Misc. (Anganbari) Case no.39 /10 passed by the District Magistrate, Nalanda. He submits that the District Magistrate had noticed illegality in the appointment of Respondent no.7 of the writ petition and directed the District Programme Officer for taking appropriate action. However, the claim of the petitioner for being appointed as Anganbari Sevika was turned down by the District Magistrate on the ground that the petitioner was over age at the time of application. Learned counsel for the petitioner has not disputed that the petitioner at the relevant time was over age, but he submits that direction may be given for relaxation of the age.

The Court is of the opinion that if in the advertisement, there was no such condition, same may not be supplemented in the direction of this Court.

Accordingly, I do not find any defect in rejecting the application of the petitioner for being appointed as Anganbari Sevika. So far action in respect of appointment of Respondent no.7 is concerned, since the District Magistrate has already taken note of the fact, there is no reason to pass any separate order.

The writ petition stands disposed of.

(Rakesh Kumar, J)

