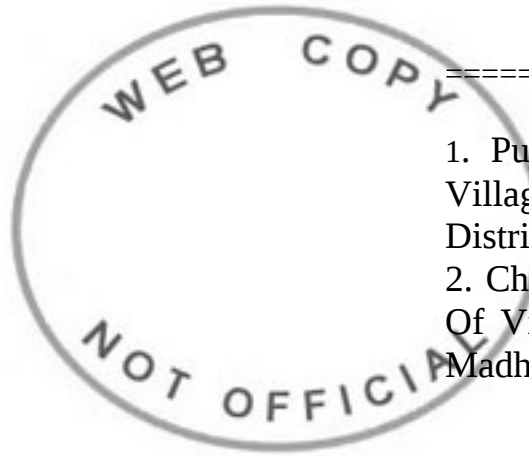


IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22862 of 2013



- =====
1. Puja Kumari Wife Of Shri Mukesh Kumar Resident Of Village - Bharrahi Bazar, Ward No. 2, Police Station And District - Madhepura
 2. Chandra Kala Kumari Wife Of Shri Rajdeo Paswan Resident Of Village - Sakarpura Betouna, Police Station And District - Madhepura

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Director, Integrated Child Development Services, Bihar, Social Welfare Department, Patna
3. The Secretary, Integrated Child Development Service (I.C.D.S.), Bihar Social Welfare Department, Patna
4. The District Magistrate, Madhepura
5. The District Programme Officer, I.C.D.S. , Madhepura
6. The Child Development Project Officer, Madhepura, Police Station And District - Madhepura

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Durgesh Kumar

For the Respondent/s : Mr. Ranjeet Kumar,A.C to PAAG

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 01-05-2015 The petitioners challenge the amendment carried out to the guidelines for selection to the Anganbari Sevika/Sahayika in Anganbari Centers, which was effected by the Notification dated



10-6-2013. Earlier, for the post of Sevika, there used to be prohibition against the wife, daughter-in-law and other relations i.e., sister, sister-in-law and daughter of Government employee from being selected and appointed against such post. The scope of this disqualification was further extended to include the mother of the proposed candidate also. The mother of the petitioner is a Warden and father of the 2nd petitioner is employed as Choukidar. On account of amendment the petitioners are disabled from being considered for the posts of Sevika.

The respondents filed counter-affidavit opposing the writ petition. It is stated that the post of Sevika is of menial nature and it is only the woman who do not have any other income or family background, that can be appointed.

Heard Mr. Dugesh Kumar, learned counsel for the petitioners and Mr. Ranjeet Kumar, learned counsel for the State.

The challenge in this writ petition is to the provision relating to selection and appointment of Anganbari Sevika. The post of Anganbari Sevika is relatively inconsequential one, and compared to that the post of Sahayika, it is far below. It does not need any expertise, and it is women who are not able to procure employment in any other categories, that are expected to be selected for such posts. With a view to prevent unhealthy

competition from established families to such posts, the Government has imposed prohibition against certain close relations of the Government employees. Through the present amendment the relationship is extended to take within its fold, the mother and father of the proposed appointee. The petitioners are not able to point out any specific provision which can be said to have been violated on account of the amendment. Further, it is always for the appointing authority, to stipulate the qualification and since it happens to be the Government in this case, it is expected to take the various social and other factors into account, while prescribing the procedure for selection and appointment.

We do not find any basis to interfere with the impugned Notification. Hence, the writ petition is dismissed.

(L. Narasimha Reddy,CJ)

B.Roy/-

(Sudhir Singh, J)

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