

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8319 of 2014

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1. Manju Kumari W/o Brahmdeo Kumar Sharma Resident of Village + P.O. Budhchaka, District- Bhagalpur
 2. Rekha Kumari W/o Sunil Yadav Resident of Village- Subba Nagar, P.O. Budhchaka, District- Bhagalpur
 3. Kumari Anita W/o Krishna Prasad Yadav Resident of Village- Subba Nagar, P.O. Budhchaka, District- Bhagalpur
 4. Sarita Kumari W/o Akshay Kumar Sinha Resident of Village + P.O. Rampur, District- Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar
2. The Secretary, Social Welfare Department, Govt. of Bihar, Patna
3. The Commissioner, Bhagalpur
4. The District Magistrate-Cum-Chairman of Selection Committee, Bhagalpur
5. The Deputy Development Commissioner-Cum-Chief Executive Officer, Member of Selection Committee, Bhagalpur
6. The Civil Surgeon-Cum-Chief Medical Officer, Member of Selection Committee, Bhagalpur
7. The District Education Superintendent, Member of Selection Committee, Bhagalpur
8. The District Programme Officer, Member Secretary of Selection Committee, Bhagalpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Singh, Sr. Advocate
Mr. Rajeev Kumar Singh
For the Respondent/s : Mr. GP25- Ramadhar Singh

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 19-11-2016

Heard learned counsel for the parties.

In terms of the order, dated 09.11.2011, passed in a writ application, namely, C. W. J. C. No. 15598 of 2011, contained in Annexure-12, the respondent authorities have considered the case for enhancement of age for hiring on the post of Supervisor in Anganwari and rejected such consideration. The said decision,

contained in Annexure-1, dated 06.11.2013 has become the subject matter of challenge through this writ application.

The Court has no option, but to reject the writ application afresh, because nothing has changed since the reason in the previous writ application on behalf of some of the petitioners therein.

Hiring as an Anganwari Sevika or a Supervisor is on contract. The contract is between two parties and what the hiring authority is looking for, is spelt out in the contract. Since these petitioners are not government servants by any interpretation, therefore, the Court again expresses its opinion that any tinkering with the terms of the hiring, cannot be ordered by a Court of Law, whatever window of opening, which was available, had been given to some of these petitioners earlier to prevail upon the State authorities to lay down a policy. If they decided not to change the same, the Writ Court will not exercise its discretion. No interference is warranted in the facts and law applicable to the case.

In view of the aforesaid facts and circumstances, writ application is dismissed.

(Ajay Kumar Tripathi, J)

SKM/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	21.11.2016
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