

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4260 of 2014

=====

1. Darakashan Anjum W/O - Ubaidur Rahman R/O - At and P.O. - Chandardai, P.S.
- Araria, R.S., District - Araria

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Social Welfare Department, Govt. Of Bihar, Patna
3. The Director, Integrated Child Development Scheme, Social Welfare Department, Bihar, Patna
4. The Commissioner, Purnia Division, Purnia
5. The Collector-Cum-District Magistrate, Araria
6. The District Programme Officer, Araria
7. The Child Development Programme Officer, Block Araria
8. The Circle Officer, Araria, District Araria
9. Shahjadi Khatoon W/O - Abdur Rahman Mansuri R/O - Village - Chandradai, P.S. Araria, District Araria

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. RAJEEV KUMAR SINGH

For the Respondent/s : Mr. A.UJJWAL, SC 25

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 24-02-2016

Petitioner challenges Clause 4.7, 4.8 and 4.9 of Annexure-1, which is a 2011 guideline issued for selection of Anganwari Sevika / Sahayika.

Submission of the counsel for the petitioner is that such impediment created in selection is required to be struck down being violative of the Constitution of India since every person has a right for consideration for any kind of engagement on a public post or engagement even if it be on contract.

The guidelines which have been laid down have been drawn up with certain purpose and object behind it and this has been done keeping in mind the social object and prevalent situation in the society with regard to people who shall be engaged and who are part and parcel of decision-making process.

Since the petitioner has a unique status of being the sister of the Mukhiya of the Gram Panchayat and the authorities while formulating the policy have decided to debar certain persons and relations from being considered and appointed and there is also an object and purpose behind it which is social in nature, therefore, this Court is not inclined to quash any of the provisions which is under challenge in the present writ application. Any interference with those provisions will defeat the very object behind the policy as well as the reason in formulating such policy and the object which is required to be achieved in implementation of the scheme.

Writ application has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

U			
---	--	--	--