

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1796 of 2017

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1. Radhika Kumari D/o Modi Ram, W/o Sri Maheshwar Ram R/o Village- Kamal Pakri, P.S. Kalyanpur District- East Champaran, Motihari.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department Govt. of Bihar, Patna.
2. The Principal Secretary, Social Welfare Department, Govt. of Bihar, Patna.
3. The Director, I.C.D.S. Directorate, Bihar, Patna.
4. The Commissioner, Tirhut Division, Muzaffarpur.
5. The District Magistrate, East Champaran, District East Champaran Motihari.
6. District Welfare Officer, East Champaran Motihari.
7. The Sub-Divisional Officer, Chakiya East Champaran, Motihari.
8. The District Programme Officer, East Champaran, Motihari.
9. The Child Development Project Officer, Kalyanpur, District- East Champaran, Motihari.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Adv.

For the Respondent/s : Smt.Kumari Amrita-GP3

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 16-11-2017

Heard learned counsel for the parties.

The petitioner has questioned the memo No.1 dated 23.01.2017 issued by the Child Development Project Officer, a copy of which is impugned at Annexure-5 whereby directions have been issued to the Ward Members for being present in the meeting to be held on 02.02.2017 for appointment of Anganbari Sevika/ Sahayika.

The petitioner claims that she was an applicant to an earlier process which was initiated in the year 2013 and in which an Aam Sabha held on 28.11.2014 but was postponed. Thereafter nothing



happened in that selection procedure nor the petitioner moved any of the statutory authorities for getting the process completed. In substance, the selection process was postponed midway with none complaining. It is by passage of time and since in the meanwhile certain amendments were incorporated in the guideline regulating the appointment of Anganbari Sevika/ Sahayika which put a limitation on completion of selection process initiated for the purpose, of one year, a copy of which is present at Annexure-A of the counter affidavit more particularly paragraph 8.12 read alongside 8.20 thereof, that a decision was taken in respect of all such centers in which selection had not been completed and an advertisement was issued bearing No. 1 of 2016 at Annexure-B to the counter affidavit inviting applications from intending candidates for such centre. It is not in dispute that the centre to which the petitioner was an applicant was also part of the same exercise. In fact it is after this selection process was initiated vide advertisement No. 1 of 2016 and directions were issued to the Ward Members to participate vide Annexure-5 that this petitioner has awoken from slumber to complain against non completion of the earlier exercise of selection.

In my opinion, considering that in the previous selection process not even an Aam Sabha was held as per the own statement of the petitioner, no right accrued to the petitioner simply because she



was an applicant in the selection process. That fresh process has already been initiated vide Annexure B to the counter affidavit, nothing persuades this Court to grant indulgence on a stale issue.

The writ petition is disposed of.

(Jyoti Saran, J)

Bibhash/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	22.11.2017
Transmission Date	NA

