

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19511 of 2016

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1. Raj Kumar Lal Das, Son of Late Jaidev Lal Das, resident of Village - Galma, P.O. - Galma, P.S. - Ghanshyampur, District - Darbhanga.
 2. Uday Chandra Jha, Son of Sri Ram Bahadur Jha, Resident of Village - Prasads, P.S. - Madhepur, District - Madhubani.
 3. Diwakar Jha, Son of Late Girdhari Jha, resident of Village - Shigaun, P.S.- Rampatti, District - Madhubani.
 4. Santosh Kumar Jha, Son of Late Baldev Jha, Resident of Village - Rampatti, P.S. - Rampatti, District - Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Social Welfare, Government of Bihar, Patna.
2. The Director, Integrated Child Development Scheme, Second Floor, Indira Bhawan, Ram Charitra Singh Path, Patna.
3. The Establishment Officer, Head Quarter, ICDS Directorate, Second Floor, Indira Bhawan, Ram Charitra Singh Path, Patna.
4. The District Magistrate, Darbhanga, District - Darbhanga.
5. The District Programme Officer, Darbhanga.
6. The District Magistrate, Samastipur.
7. The District Programme Officer, Samastipur.
8. The Child Development Project Officer, Bahadurpur, District - Darbhanga.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar, Adv.
For the Respondent/s : Mr. Gyan Shankar, AC to GP-2

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL JUDGMENT
Date: 24-08-2016

Heard the Parties.

The grievance of the petitioners is that although under the Bihar Integrated Child Development Clerical Cadre (Recruitment and Service Conditions) Rules, 2014 (hereinafter referred to as 'the Rules') the cadre of the petitioners is District cadre and option was given by the petitioners for their posting in their respective districts but by the order impugned bearing Memo no.39 dated 23.1.2016 of the Secretary, Social Welfare Department, Government of Bihar, Patna as contained in Annexure-10 they have been posted in the district of Sitamarhi which is not their parent district.



Mr. Binod Kumar, learned counsel appearing for the petitioners with reference to the order of this Court passed in CWJC No.4192 of 2016 (**Pawan Kumar vs. The State of Bihar**) and analogous cases has submitted that the writ petition can be disposed of on similar terms with direction to the Principal Secretary, Social Welfare Department, Government of Bihar, Patna to consider the grievance of the petitioners and dispose of the same either by himself or by delegating the responsibility to the Director, ICDS in the light of the stipulations present in ‘the Rules’.

Mr. Gyan Shankar, learned Assisting Counsel to Government Pleader No.2 has no objections to the request of the petitioners and accordingly the writ petition is disposed of in accordance with the orders of this Court passed in the case of **Pawan Kumar** (supra) with direction to the Principal Secretary, Social Welfare Department, Government of Bihar, Patna to consider the grievance of the petitioners and dispose of the same in accordance with law either by himself or by delegating the responsibility to the Director, ICDS but in any case the matter be disposed of within a period of three months from the date of receipt/production of a copy of this order.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31-08-2017
Transmission Date	NA

