

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5581 of 2016

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1. Rinku Kumari, Wife of Pramod Kumar, Resident of village- Jagdishpur, P.O.- Ratnauli, Panchayat- Jamharuha, Kurhni, District- Muzaffarpur.
 2. Aruna Kumari, Wife of Dinesh Kumar, Resident of village- Madhoula, P.O.- Susta Madhopur, P.S.- Dariyapur Kafan, Kurhni, District- Muzaffarpur.
 3. Sudha Kumari, wife of Ajay Paswan, Resident of village- Sudhwara, P.O.- Anant Kamtaul, Panchayat- Kishanpur Mohini, Kurhni District- Muzaffarpur.
 4. Suman Kumari, Wife of Pramod Mahto, Resident of village- Tarsan, P.S. Kharauna Dih, Panchayat- Sumera, Kurhani, District- Muzaffarpur.
 5. Kumari Rina Bharti, Wife of Raj Kishore Mahto, Resident of village- Bisunpur Mangal, P.O.- Rajla, Panchayat- Rajla, Kurhni, District- Muzaffarpur.
 6. Kiran Kumari, wife of Pramod Ram, Resident of village + Post- Kishunpur Madhuban, Panchayat- Kishunpur Madhuban, Kurhni, District- Muzaffarpur.
 7. Amna Siddika, wife of Md. Shahnawaz, Resident of village- Sonbarsa, Panchayat- Sonbarsa, Kurhni, District- Muzaffarpur.
 8. Rani Kumari, Wife of Munna Choudhary, Resident of village- Pupri, P.O.- Dariyapur Kafan, Panchayat- Chakiya, Kurhani, District- Muzaffarpur.
 9. Raj Kumari, Wife of Amrit Lal Sah, Resident of village- Phulwariya, P.O.- Kinaru, Panchayat- Kinaru, Kurhni, District- Muzaffarpur.
 10. Renu Kumari, Wife of Surendra Kumar Sah, Resident of village- Harishankar Maniyari, P.O.- Silaut, Panchayat- Harishankar Maniyari, Kurhni, District- Muzaffarpur.
 11. Suchita Kumari, Wife of Rakesh Kumar Singh, Resident of village- Bhagwanpur, P.O.- Kurhani, Panchayat- Bangra Bansi, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Government of Bihar, Patna.
2. The Principal Secretary, Social Welfare Department, Government of Bihar, Patna.
3. The Director, I.C.D.S., Social Welfare Department, Government of Bihar, Patna.
4. The Commissioner, Tirhut Division, Muzaffarpur.
5. The District Selection Committee through its Chairman the District Magistrate, Muzaffarpur.
6. The District Magistrate, Muzaffarpur.
7. The District Programme Officer, Muzaffarpur.
8. The Child Development Project Officer, Kurhani, Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Adv.
For the Respondent/s : Mr. Arbind Kumar AC to GP-17

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 09-03-2018



Heard the parties.

The statement made in para 5 of the counter affidavit confirms that the grievance of the petitioner nos.1 to 7, 9 and 10 has been redressed as they have been appointed as Anganbari Sevika. In so far as the petitioner no.8, Rani Kumari is concerned, she was an applicant for the post of Sahayika but was placed second in merit list and thus the person at serial no1, Renu Singh was appointed. Such is the statement made in paragraph 6 of the counter affidavit.

Mr. Krishna Kant Singh disputes the stand of respondent present at para 7 of the counter affidavit to disqualify the petitioner no.11 from appointment by referring to the pleadings in I.A. No.1847 of 2018 and to submit that the 2011 guidelines did not contain any such stipulation of ineligibility on grounds of father in law holding Government post.

It is not disputed rather paragraph 7 of the counter affidavit explains that since the father-in-law of the petitioner no.11 was holding a Government post that she was held not eligible for appointment as Anganbari Sevika. It is again not in dispute that such stipulation was incorporated in 2013. It is also not in dispute that though the appointment process was initiated in 2011 but was recalled and fresh process initiated in 2015 against which the petitioners represented vide Annexure 2 but it is under this process



that the appointments have taken place. Obviously a fresh selection in 2015 would be guided by the 2013 guidelines.

No cause for indulgence thus is made out on the decision making process which suffers no infirmity nor the decision taken calls for any interference.

The writ petition together with the interlocutory application are disposed of.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16-03-2018
Transmission Date	NA

