

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13108 of 2013

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Lajwanti Devi W/O Upendra Prasad Resident Of Village- Maher, P.O- Aropur,
P.S- Vazirganj, Tunkuppa, District- Gaya.

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Social Welfare Department, Government Of Bihar, Patna.
2. The Divisional Commissioner, Gaya.
3. The District Magistrate, Gaya.
4. The Senior Deputy Collector, Town, Gaya.
5. The Child Development Project Officer, Maher Village Under Tunkuppa Block, Gaya.
6. Yasmin Praveen W/O Alluddin Sah Resident Of Village- Maher,P.O- Aropur, P.S- Vazirganj, Tunkuppa, District- Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gyanendra Kumar Shukla, Advocate

For the Respondent No. 6 : Mr. Sushant Praveen, Advocate

Mr. Yogesh Kumar, Advocate

For the State : Mr. Sita Ram Yadav, GP 16

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 11-07-2018

Heard learned counsel for the petitioner and the respondent State.

2. It is submitted by the petitioner's counsel that as per the guidelines of 2011, specifically Clause 4.4 thereof, the eligibility with respect to age was to be considered with the age of the candidate as obtaining on the first day of January of the year of advertisement.

3. He submits that though the advertisement has been published on 03.01.2013 the age of respondent No. 6 has been



determined with reference to her age as on 01.01.2012. He submits that such a determination was contrary to the guidelines of 2011.

3. This Court has gone through the order passed by the Deputy Collector, Welfare, Magadh Division, Gaya wherein the entire issue has been examined by a detailed order. The specific finding of the Deputy Collector, Welfare under order dated 30.06.2015 passed on the petitioner's Anganbari Sevika Appeal No. 176K of 2014, which has been challenged by way of filing I.A. No. 6663 of 2015 is that the vacancies had been forwarded for advertisement in the year 2012 itself. Merely because the same came to be published in the Newspaper three days after beginning of 2013 i.e., on 03.01.2013 the year 2013 is not relevant for the issue. He has submitted that the advertisement is in accordance with Clause 4.4 and as per the said Clause 4.4 the age for consideration for eligibility has to be determined with reference to age on the first day of January of the year of advertisement which in this case is 2012.

4. Annexure A to the counter affidavit filed by the respondent No. 6 is the advertisement which has been issued by the District Magistrate, Gaya for selection of Anganbari Sevika throughout the district. From the same it appears that the process was initiated and being undertaken pursuant to decision dated 19.10.2012. The petitioner along with all others had applied in response to this



advertisement which was initiated in the year 2012, though published in the newspaper on 03.01.2013. Specific requirement as per Clause 3 of the said advertisement was that the age of the candidate which was required to be between 18 to 40 years would be considered with reference to 01.01.2012. Petitioner had applied in response to the said advertisement and participated in the selection process under the said terms, which as noticed above is in accordance with Clause 4.4 of 2011 guidelines. It is settled law that having participated in the process of selection without any objection, the petitioner cannot be permitted to turn around and challenge the same on being unsuccessful.

5. In view of the aforesaid findings, the writ petition is devoid of any merits and the same is dismissed.

(Madhuresh Prasad, J)

Prakash/-

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CAV DATE	
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