

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2705 of 2015

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Noor Saba W/o Mohasin Alam R/o village - Yogiganj, P.O. Ikraha, P.S. Janki Nagar, District - Purnia

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Welfare Department, Govt. of Bihar, Patna
2. The Director, Welfare Department, Govt. of Bihar, Patna
3. The Commissioner, Purnia Division, Purnia
4. The District Magistrate, Purnia, District Purnia
5. The Regional Development officer, Purnia, District Purnia
6. The District Programme Officer, Purnia, District Purnia
7. The Child Development Project officer, Banmankhi, District - Purnia
8. Bibi Farjana W/o Md. Tariq Ansari R/o village - Yogiganj, P.O. Ikraha, P.S. Janki Nagar, District - Purnia

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sharda Nand Mishra, Advocate Mr. Dhananjay Kumar Gupta, Advocate Mr. Rajiv Ranjan, Advocate
For the Respondent No. 8:	:	Mr. Ranjan Kumar Jha, Advocate
For the State	:	Mr. Jitendra Kumar, AC to AAG 14

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 23-07-2018

Heard learned counsel for the petitioner, the respondent
State as also the private respondent no. 8.

2. Petitioner has challenged the order dated 09.09.2013 bearing memo no. 1963 passed by the District Programme Officer, Purnia by which he has declared the selection of the petitioner illegal and the respondent no. 8 who was admittedly having higher marks than the petitioner has been directed to be selected for the post of



Anganbari Sevika. She has also challenged the subsequent order dated 21.08.2014 passed in Misc. Appeal No. 129/2013 by the District Programme Officer, by which he has affirmed the order dated 09.09.2013 of the District Programme Officer.

3. Counsel for the petitioner submits that the respondent no. 8 had been ousted from the selection process relying upon Clause 4.8 of 2011 guidelines under which the selection has been conducted. Disqualification of the respondent no. 8 was as per cogent material as her relative was public representative in the adjoining District of Araria. The said Clause regarding disqualification on account of relative being a public representative was amended under the amendment dated 10.06.2013 wherein it was also clarified that if the relative of a candidate is public representative in another district, the same would not come as disqualification for selection.

4. He has also submitted that the advertisement was issued prior to the amendment. Hence the selection was to be made in accordance with earlier guidelines which contemplate that if the relative of a candidate is public representative, the same would come as disqualification for selection. This Court is not in a position to accept the said submission made on behalf of the petitioner.

5. It is rightly pointed out by the respondent no. 8 that the advertisement (Annexure 1) clarifies that the guidelines as amended



from time to time would apply in the matter. The amendment dated 10.06.2013 also clearly stipulates that it was to be affected with immediate effect. The said amendment dated 10.06.2013 is not under challenge in the instant proceedings. If the amendment under which the action has been taken has not been challenged, the writ application claiming relief contrary to the amendment under which the action has been taken is devoid of merits.

6. No case is made out for interference with the order impugned in the instant writ petition.

7. The writ petition is dismissed.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

