

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9348 of 2016

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Lila Kumari W/o Sanjay Singh, D/o Shubha Narain Singh resident of Village-
Ujain (Sir Sawan) Fekan Rai Ka Tola, Police Station- Daraundha District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Social Welfare, Govt. of Bihar, New Secretariat, Patna.
2. The Director, Department of Social Welfare, Govt. of Bihar, New Secretariat, Patna.
3. The District Magistrate, Siwan
4. The Deputy Development Officer, Siwan
5. The District Social Welfare Officer, Siwan.
6. The District Programme Officer, Siwan.
7. The Child Development Project Officer, Daraundha Block, District- Siwan.
8. Sarika Kumari @ Sadhana Kumari wife of Ved Prakash Singh resident of Village- Ujain (Sir Sawan) Fekan Rai Ka Tola, Police Station- Daraundha District- Siwan.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Aditya Narayan Singh, Adv.
Mr. Kundan Kumar Sinha
For the Respondent/s : Mr. Aditya Narain Jha, A.C. to S.C.18

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 21-08-2018

Heard Mr. Aditya Narain Singh, learned counsel for the
petitioner and Mr. Aditya Narain Jha, A.C. to S.C.18 for the State.

In the nature of order which this Court proposes to pass it
would not require to issue notice to the private respondent .

The grievance of the petitioner is that although she was a better
candidate coming from the majority class but has been denied
appointment as Anganbari Sevika for Village Ujain, Centre No. 53,
Sirsawan Fekan Rai Ke Tola, Ujain Gram Panchayat under



Daraounda Block in the District of Siwan on grounds that she exceeded age limit of 40 years. No other disqualification has been assigned except regarding age expiry.

The short argument advanced by Mr. Singh is that the petitioner was well within the prescribed age limit of 40 years on the date, she filed her application for such consideration way back in the year 2010 when the advertisement was published on 14.6.2010 and it is wholly because of the laches of the respondent that the selection got delayed for 5 years and during which period she exceeded the prescribed age of 40 years.

Mr. Singh submits that the petitioner has represented before the District Magistrate, Siwan but matter remains pending.

The counter affidavit reiterates the position that the petitioner exceeded the age limit on the date the Aam Sabha was held.

Having heard learned counsel for the parties and having perused the records, I am of the opinion that the matter requires consideration by the statutory authority under the guidelines.

Since the advertisement is of the year 2010 it would be the guideline of 2006 issued by the Social Welfare Department which would be regulating the matter. Clause (7) of the guideline issued by the Social Welfare Department bearing No. 2783 dated 03.10.2006 which was in force when the advertisement was published in the year,



2010, at Clause (7) empowers the District Magistrate to consider any grievance relating to a selection and dispose the same either by himself or by authorizing the Sub Divisional Officer, the District Welfare Officer or the District Programme Officer. That a grievance has already been raised by the petitioner before the District Magistrate, Siwan as manifest from Annexure 3 which is dated 09.04.2015, I hereby direct the District Magistrate, Siwan to consider the grievance so raised by the petitioner as also taken note of hereinabove and to dispose of the same in accordance with law after opportunity of hearing to the petitioner as well as the private respondent who has been since appointed to the post of Anganbari Sevika.

Let the disposal take place preferably within 3 months from the date of receipt/production of a copy of this order.

With the direction aforementioned the writ petition is allowed.

(Jyoti Saran, J)

Bibhash/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.08.2018
Transmission Date	NA

