

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2725 of 2018

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Bibi Drakhshan Naznin, D/o Mohammad Isharul Haque, resident of Village-
Baliyas, P.O.- Baliyas Kadma, P.S.- Dhoraiya, District- Banka.

... .. Petitioner

Versus

1. The State of Bihar through its Principal Secretary, Social Welfare Department,
Govt. of Bihar, Patna.
2. The Secretary, Social Welfare Department, Bihar, Patna.
3. The Director, Social Welfare Department, Bihar, Patna.
4. The Director, I.C.D.S., Bihar, Patna.
5. The District Magistrate, Banka.
6. The District Programme Officer, Banka.
7. The Block Development Officer, District- Banka.
8. The Child Development Project Officer, District- Banka.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Tarun Kumar Singh, Advocate
For the Respondent/s : Mr. Arjun Prasad, A.C. to SC-3

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date : 10-08-2018

Heard learned counsel for the petitioner and
learned counsel for the State.

2. In this case, the petitioner has raised grievance that
new guidelines of 2016 has prescribed that no weightage will be
given to the higher qualification, having stated that earlier the
guidelines for selection of Anganbari Sevika and Sahayika



was framed in 2006 by the Director of Integrated Child Development Service. From time to time, guideline has been amended, but every time clause of grant of weightage for higher qualification remained unaltered, recently the new amendment i.e. 05.04.2016 has been enforced, by which the extra benefit by way of weightage of the higher qualification has been withdrawn, thereby causing serious prejudice to the candidates who acquired higher qualification.

3. Fixation of qualification is the executive function and the executive has knowledge of nature of job and its corresponding qualification as fixation of qualification requires knowledge of nature of work and its nicety. In judicial review, the Court can only interfere when the guidelines or the circular is arbitrary or violates provision of the Constitution. In absence of those infirmities, the Court would refrain to interfere with such matters. It is not so that the person who has higher qualification has been deprived from participating in the selection of Anganbari Sevika, but only the additional advantage which was given earlier has been withdrawn looking to the nature of job as well as looking to the advantage to be extended to the person of lower status of the society, which requires more attention for their upliftment.



4. In such view of the matter, this Court does not find any merit in this writ petition. Accordingly, this writ petition is dismissed.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
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Transmission Date	N/A.

