

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 10788 of 2016

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Seema Devi, Wife of Satyendra Kumar Singh, resident of Village - Badauli,
P.S. - Baniyapur, District- Saran at Chapra

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Social Welfare Department, Govt Of Bihar
3. The District Social Welfare Department, Govt of Bihar
4. The District Magistrate, Saran at Chapra
5. The District Welfare Officer, Saran at Chapra
6. The Child Development Project Officer, Bariyarpur, Saran at Chapra
7. The Mukhiya Gram Panchayat Raj, Baidauli P.S. Baniyapur, District- Saran
8. The Secretary Gram Panchayat Raj Baidauli, P.S. - Baniyapur, District- Saran

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Satyendra Kumar Singh
For the Respondent/s : Mr.V.K. Singh- Ga3

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 14-02-2019

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

2 The petitioner has filed the writ petition since she was an applicant for appointment as Angan Bari Sevika of Angan Bari Center known as Jaiprakash Kushwaha Ka Tola, Ward No 3 of Gram Panchayhat Raj Badauli, PS – Baniyapur in the district of Saran. It is petitioner’s case that in the merit list dated 22.10.2014, she was the first empanelled candidate. However, she could not be appointed because the selection process was being enquired into at



the level of the officials. Upon enquiry, it was found that the petitioner having 63.71 marks was eligible to be considered for appointment as Angan Bari Sevika. This recommendation was dated 11.08.2015. In the counter affidavit filed by the respondent-authorities, it has been pointed out that due to Code of Conduct coming into play at the time of Assembly Elections, the selection could not be done for one year from the date of advertisement. Prior to the report dated 11.08.2015 in favour of the petitioner, the Secretary, Integrated Child Development Scheme(for brevity, *ICDS*), Government of Bihar, Patna issued a Letter dated 07.08.2015 providing some Guidelines to be observed in the matter of selection. Clause 8/8.20, that is the amended provision, provides that if the selection is not done within one year for sufficient reasons then at best, the District Magistrate can extend the validity of the merit list/panel for one month, thereafter selection has to be done afresh.

3 Since, more than a year had elapsed from creation of the panel, the authorities, under the Guidelines dated 07.08.2015, are obliged to proceed with the appointment process afresh.

4 In view of such Guidelines having been brought to the notice of this Court, this Court does not find the case of the petitioner for being selected on the basis of the panel dated



22.10.2014 to be worthy of consideration. The period of panel has lapsed in view of the Guidelines issued under the Letter of Secretary, ICDS dated 07.08.2015. These facts have also not been controverted or disputed by filing any rejoinder to the counter affidavit.

5 Writ petition is devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.02.2019
Transmission Date	NA

