

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 7208 of 2015

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Saroj Kumari, wife of Ganesh Ravidas, resident of Village- Bernawan, Tola - Harihar Bigha, Panchayat - Bernawan, PS - Kashichak, District Nawada.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Social Welfare Department, Government of Bihar, Patna
2. The Director, I.C.D.S., Indira Bhawan, Patna
3. The Commissioner , Magadh Division Gaya, District Gaya
4. The Deputy Director, Social Welfare, Magadh Division, Gaya, District - Gaya
5. The District Magistrate, Nawada, District - Nawadah.
6. The District Programme Officer, I.C.D.S., Nawada.
7. The Child Development Project Officer, Kashichak, Nawada.
8. Anjali Kumari, w/o Sri Sintu Singh, resident of village- Harihar Bigha, P.O. Birnawan, PS - Kashichak, District - Nawada.

... .. Respondent/s

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For the Petitioner/s	:	Mr Anil Chandra, Advocate
For the Respondent/s	:	Mr SanjayKumar, AC to AAG IV

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 30-04-2019

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

2 Writ petition has been filed for quashing the order passed in Angan Bari Appeal No 193k of 2014 on 18.03.2015 by the Deputy Director (Social Welfare), Magadh Division, Gaya whereby the appeal of respondent No 8 has been allowed. Earlier, District Programme Officer, vide order dated 02.12.2014, had set aside the selection of respondent No 8 as Angan Bari Sevika for the Center situated at Village – Biranawan, Harihar Bigha, Ward



No 13 in the district of Nawada. Petitioner's counsel submits that as per the result, petitioner was the only qualified candidate being Member of the Scheduled Caste and, therefore, selection of respondent No 8 has wrongly been upheld by the Appellate Authority. Annexure 1 is the merit list, which was prepared in the process of selection where the petitioner and respondent No 8 were the only two candidates. From perusal of the same, it is apparent that having regard to the petitioner's date of birth, i e, 14.03.1996, it was found that she was less than 18 years of age and, therefore, her candidature was disqualified. Petitioner's counsel submits that no such minimum age criteria was notified and, therefore, the reason assigned is unsustainable. Submission of the petitioner's counsel is noted only to be rejected. The petitioner, not being an adult was at that time legally incompetent to enter into service. She was herself disqualified and cannot be permitted to assail the validity of the selection.

3 In view of the admitted disqualification, there is no merit in the writ petition. The same is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
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