

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6231 of 2015

=====

Rekha Devi @ Rekha Kumari wife of Ramashish Ravidas resident of Village- Benipur, Police Station- Ekangarsarai, Panchayat- Aungari, Aanganwari Centre- Benipur, code No. 92 Block Ekangarsarai, District - Nalanda.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Social Welfare Department, Government of Bihar, Patna
2. The Director, I.C.D.S. Directorate, Social Welfare Department, Bihar, Patna.
3. The Divisional Commissioner, Patna Division, Patna.
4. The District Magistrate, Nalanda.
5. The District Programme Officer, Nalanda.
6. Child Development Project officer, Ekangarsarai, District - Nalanda.
7. Sarita Devi wife of Ramlagan Ravidas resident of village- Benipur, Police station- Ekangarsarai, District Nalanda.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Lovekush Kumar
For the Respondent/s : Mr.Manikant Mishra

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 26-03-2019 Heard learned Counsel for the petitioner and the

learned Counsel for the respondent State.

It is submitted by petitioner's Counsel that the fact that the petitioner's father-in-law was a Public Distribution System (PDS) dealer could not be a disqualification in respect of petitioner's claim for selection as Anganwari Sahaika.

The issue stands decided in the case of Sunita Kumari vs. State of Bihar & ors in the proceedings arising out of CWJC No. 12911 of 2007. Sub-clause (३.) of Clause 3 of the



guidelines has already been declared illegal by the judgment delivered in the said case on 6.5.2010. The only condition in the said order dated 6.5.2010 was that the declaration of Clause (३.) of Clause 3 of the guideline being ultra vires would have prospectivity and nobody could claim parity with the petitioner of CWJC No. 12911 of 2007 in respect of a concluded transaction of appointment.

It is submitted that since petitioner's appointment is on 15.6.2010 i.e. subsequent to the decision of this Court in CWJC No. 12911 of 2009 the disqualification imposed by sub-clause (३.) of Clause 3 of the guidelines could not stand in the way of the petitioner. The issue would be raised by the petitioner before the Commissioner (respondent No. 3).

If the issue is brought before respondent No. 3 by the petitioner, the claim should be considered in light of the order dated 6.5.2010 passed in CWJC No. 12911 of 2007 after hearing concerned parties and in accordance with law. The petitioner would be obliged to approach respondent No. 3 within four weeks. In the event the same is done, respondent No. 3, needless to say, would be obliged to dispose of the claim of the petitioner in accordance with law expeditiously and without any undue delay by a reasoned and speaking order, after hearing the



affected/necessary parties.

The writ petition is disposed of.

(Madhuresh Prasad, J)

SNkumar/-

U			
---	--	--	--

