

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19036 of 2019

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Mala Devi Wife of Rakesh Paswan, Resident of Village-Patilar, Police Station-Chautarwa, District-West Champaran.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Department of Social Welfare, Govt. of Bihar, Patna.
2. Additional Chief Secretary, Department of Social Welfare, Govt. of Bihar, Patna.
3. Director, ICDS, Patna.
4. District Magistrate, Bettiah, District-West Champaran.
5. District Programme Officer (Social), Bettiah, District-West Champaran.
6. Child Development Programme Officer (CDPO), Bagaha, District-West Champaran.
7. Shalini Kumari, Wife of Dhanajay Paswan, Resident of Village-Patilar, P.S.-Patilar, District-West Champaran.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Baxi S.R.P. Sinha, Senior Advocate
		Mr. Zainul Abedin, Advocate
For the Respondents	:	Mr.Md. Raisul Haque (Sc10)
		Mr.Binay Kumar, AC to SC-10

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

5 06-11-2019 The petitioner is an applicant for the post of Anganbari Sevika for Anganwari Centre- Patilar, Ward No. 09, in the district of West Champaran. She has questioned the validity of Clause 6 of the revised guidelines, issued under the signature of the Additional Chief Secretary, Social Welfare Department, Government of Bihar, which does not put a bar on such aspirants, whose ‘husband/elder brother of husband’ is/are in Government service. Such bar was there in the earlier guidelines issued by the Department governing selection of



Anganbari Sevika/Sahayika.

Mr. Baxi S.R.P. Sinha, learned senior counsel appearing on behalf of the petitioner, has submitted that the classification, that existed in the previous guidelines, which debarred such aspirants, whose close relatives were already in Government service, from participating for the process of selection, had a public purpose to be achieved and has now been undone by the State Government with the issuance of fresh guidelines. According to him, absence of such bar is not in public interest.

I do not find any force in the submission made on behalf of the petitioner to the extent the provisions under Clause 6 of the guidelines are being questioned, since, in my view, the provision does not violate Articles 14 or 16 of the Constitution of India.

Learned senior counsel appearing on behalf of the petitioner has submitted that the process of selection in question is not being concluded expeditiously.

In the facts and circumstances of the case, this application is disposed of with an observation that let the selection process in question be concluded within two months from the date of receipt/production of a copy of this order.



It goes without saying that the petitioner shall have liberty to question the petitioner's non-selection, if it so happens, before appropriate forum in accordance with the guidelines.

(Chakradhari Sharan Singh, J)

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