

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21898 of 2019

Radhika Devi Wife of Jay Prakash Sah Resident of Village- Ghataro, P.O.-
Ghataro, P.S.- Kartaha, Dist- Vaishali.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Department of Social Welfare, Bihar, Patna.
2. The Director (J.C.D.S.) Integrated Child Development Services, Bihar, Patna.
3. The Commissioner, Tirhut Range, Muzaffarpur.
4. The District Magistrate, Vaishali at Hajipur.
5. The District Programme Officer, Vaishali at Hajipur.
6. The Sub-Divisional Officer, Vaishali at Hajipur.
7. The Child Development Project Officer, Lalganj, Dist- Vaishali.

... .. Respondents

Appearance :

For the Petitioner	:	Mr.Mukesh Kumar Jha Mr.Anil Kumar
For the Respondents	:	Mr. Rajesh Kumar, AC to GP-3

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date : 09-01-2020

The petitioner was an applicant for the post of Anganbari Sevika in the district of Vaishali. It appears that for completing the process of selection, *Aam Sabha* was convened earlier on 19.05.2018 and 30.08.2018, but for one reason or the other, the proceedings were cancelled.

2. The petitioner had approached this Court by filing writ application, giving rise to C.W.J.C. No. 1660 of 2019, with a grievance that the process of selection was being unnecessarily delayed and not being completed in accordance with the guidelines



issued for such selection. The said writ application was disposed of by an order dated 31.01.2019, whereby the petitioner was directed to make a representation before the District Programme Officer, Vaishali at Hajipur, and the District Programme Officer, Vaishali at Hajipur, was, in turn, directed to dispose of the representation within three weeks thereafter. In the light of the said order of this Court dated 31.01.2019, the District Programme Officer, Vaishali at Hajipur, passed an order dated 11.05.2019, whereby the Child Development Project Officer was directed to take steps for selection through *Aam Sabha* in accordance with the guidelines issued in 2016.

3. Learned counsel appearing on behalf of the petitioner has drawn my attention to the amendments made in 2016 guidelines through letter No. 2222 dated 25.08.2018 to submit that, if for any reason the two meetings of the *Aam Sabha*, convened for the purpose of selection, could not materialize, special *Aam Sabha* was required to be convened by the District Programme Officer as per the amended Clause (8) of the said guidelines. He has submitted that instead of following the said process, a fresh advertisement has been issued inviting applications.



4. Learned counsel appearing on behalf of the State of Bihar, on the other hand, has submitted that after passing of the order by this Court dated 31.01.2019 in C.W.J.C. No. 1660 of 2019 and subsequent order of the District Programme Officer dated 11.05.2019, fresh guidelines have been issued by the I.C.D.S. Directorate, Social Welfare Department, Government of Bihar, as contained in Letter No. ICDS/40010/10-2017-286 dated 27.05.2019. He has submitted that earlier guidelines issued in 2016 and subsequently amended in 2018 stood superseded with the issuance of new guidelines on 27.05.2019. He contends that in view of the new guidelines, issued on 27.05.2019, fresh steps have been taken for filling up the post of Anganbari Sevika.

5. Learned counsel appearing on behalf of the petitioner, in reply to the said submission on behalf of the State of Bihar, has submitted that the case of the petitioner is not likely to be considered in the process initiated afresh with the issuance of new advertisement because of the change in mapping of population of the area inasmuch as the petitioner does not belong to B.C. category and in the advertisement B.C. category has been shown to be most populous class. He submits that the advertisement is not in conformity with the mapping register.



6. These aspects need not be gone into at present as the guidelines prescribes for redressal of grievance by making application before appropriate authority at appropriate stage, which can be considered in accordance with law.

7. This writ application stands disposed of with the observation as above.

(Chakradhari Sharan Singh, J)

Pawan/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	10.01.2020
Transmission Date	N/A

