

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 6565 of 2021

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Sunita Kumari W/o Jay Prakash Singh Resident of Village-Ram Nagar, P.O.-
Sakri, P.S.-Dawath, Distirct-Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Rohtas at Sasaram
2. The Collector, District Rohtas.
3. District Programme Officer, Rohtas at Sasaram
4. Child Development Project Officer, Dawat, Rohtas.
5. Rinki KUmari W/o Munna Kumar Sharma Resident of Village-Ramnagar,
P.O.-Sakri, P.S. Dawath, District-Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dudh Nath Singh, Advocate
For the State : Mr. Rajesh Kumar, AC to GP-3

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 15-12-2021

Heard learned counsels for respective parties.

In the instant petition, petitioner has prayed for the
following reliefs:-

*(i) For issuance of
direction/directions or order/orders or
writ/writs particularly in the nature of
certiorari for quashing the order dated
05.02.2019 passed in Anganbari Appeal
Case No. 01/2018 by which the Collector-
cum-District Magistrate, Rohtas (Sasaram)
set aside the order dated 17.02.2018 passed
in Anganbari Sevika Appeal Case No.
21/2016 by the District Programme Officer,
Rohtas and remitted back the case to him for
fresh hearing accordance with law and after
hearing the parties pass a fresh order within
a period of one month and inform to same to
the appellate authority as well as
consequential order dated 25.01.2021*



contained in Memo No. 77 passed by the same authority by which review its own order by saying that selection of private respondent no. 5 is errorless and issue direction to the Child Development Project Officer, Dawath to issue selection letter in favour of the private respondent and ascertain her joining on the post of Anganbari Sevika of Anganbari Sevika Centre Ramnagar, Code No. 114.

(ii) For issuance of direction/directions or order/orders or writ/writs particularly in the nature of mandamus for commanding and directing the respondents after quashment of the impugned orders (Annexure-1 and 2 of the writ application) reinstate the petitioner on the said post with all consequential benefit.

(iii) For any other incidental and consequential relief to which the petitioner is found fit under the fact and circumstances of this case.”

Petitioner's candidature for the post of Anganbari Sevika is rejected on the score that petitioner's brother is a teacher in the very same Block. The petitioner is barred to apply Anganbari Sevika in terms of Guidelines for selection to the post of Anganbari Sevika/Sahayika, 2011.

Learned counsel for the petitioner submitted that identical clause was subject matter before this Court it has struck down in its order dated 06.05.2010 passed in **CWJC No. 12911 of 2017 (Sunita Kumari vs. The State of Bihar & Ors.)** reported in



2010(3) PLJR 68, therefore, the respondents cannot debar the petitioner to the Anganbari Sevika post.

As long as there is a bar in the year 2011 Policy and it is not struck down by the competent forum or withdrawn by the State Government the petitioner is barred to make necessary application for the post of Anganbari Sevika if her brother is Government Employee/Teacher. The petitioner has not questioned the validity of clause imposed in the year 2011 policy.

Accordingly, writ petition stands dismissed.

The petitioner is at liberty to question the relevant clause barring the petitioner to participate in the process of selection and appointment to the post of Anganbari Sevika with reference to order dated 06.05.2010 passed in **CWJC No. 12911 of 2017 (Sunita Kumari vs. The State of Bihar & Ors.)** reported in **2010(3) PLJR 68** in respect of earlier policy decision.

(P. B. Bajanthri, J)

Vikash/-

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

