

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6697 of 2020

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Sangeeta Sinha Wife of Rajendra Pratap Singh, Resident of Bhishunpura Tola,
Harmaraina, P.O.- Damodarpur, P.S.- Pipra, District- East Champaran.

... .. Petitioner/s

Versus

1. The Union of India through Secretary, Ministry of Women and Child Development, Shastri Bhawan, New Delhi.
2. The State of Bihar through the Additional Chief Secretary, Department of Social Welfare, Bihar.
3. The Collector, East Champaran at Motihari.
4. The Director, Integrated Child Development Services, Bihar
5. The District Programme Officer, East Champaran at Motihari.
6. The District Magistrate, East Champaran at Motihari.
7. The Joint Director (Operations), ICDS, Bihar.
8. The Joint Director (Planning) ICDS Bihar
9. The Child Development Scheme Officer, Chakia, East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate
For the Respondent/s : Mr. Gyan Prakash Ojha (Ga7)

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

Date : 20-12-2021

Heard learned counsels for the respective parties.

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

“A. A writ in the nature of MANDAMUS or other appropriate writ/s, order/s, direction/s commanding the Respondent Authorities following:-

“i. To direct the Respondent Authorities to consider the case of the Petitioner and grant her relaxation in the upper age limit as the Petitioner has already attained the stipulated age limitation, in lieu of the fact that she was eligible when she had applied on the first instance and the



appointment process got delayed just because of admitted wrong committed by the respondents.

ii. To hold that the Petitioner is fit to apply for the contractual recruitment of Sevika / Sahayika, as far as her age is concerned.

iii. To further hold that rendering the Petitioner incapacitated on the objective ground of her passing the age limit is wrong, in light of the fact that she was eligible when she had applied at first, and her incapacitation is attributable to the negligence of the State.

B. To any other relief/s which the Petitioner is found entitled to.”

Petitioner is stated to be a candidate to the recruitment for the post of Anganbari Sahayika. Pursuant to the advertisement dated, 11.09.2018, petitioner submitted application on 13.09.2018 within the last date prescribed for the post. Due to administrative exigency, the respondents have renotified the post on 23.12.2019 with reference to corrigendum issued on 18.04.2019 while prescribing last date for submission of application as 06.01.2020.

In the light of these facts and circumstances, the respondents are considering the age criteria of the petitioner with reference to last date as 06.01.2020 with reference to second advertisement issued on 23.02.2019. For no fault of petitioner, the petitioner cannot be unsuited for the purpose of selection and appointment to the post of Anganbari Sahayika that she is over age as on 06.01.2020. The advertisement initially issued on 11.09.2018 which prescribing the last date as on 13.09.2018.



Undisputedly, petitioner was eligible to make an application to the post of Anganbari Sahayika with reference to Advertisement dated 11.09.2018 since the last date prescribed is 13.09.2018. Therefore, the selecting authority is required to take note of age of the petitioner as on 13.09.2018 not 06.01.2020. Thus, the petitioner has not made out the case.

Accordingly, the concerned respondents are hereby directed to consider the petitioner's application for the purpose of selection and appointment to the post of Anganbari Sahayika on merit.

Accordingly, the writ petition stands disposed off.

(P. B. Bajanthri, J)

Gaurav Kumar/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

