IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 8459 of 2020

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Vivek Raj Aaryan S/O Shri. Bashishth Narayan Giri R/o- Gaupur, District Samastipur, Bihar- 848127

... ... Petitioner/s

Versus

1. Additional Chief Secretary Social Welfare Department, Government of Bihar.
2. Director, Integrated Child Development Services, Bihar.
3. District Magistrate, Samastipur.
4. Smt Mamta Verma, District Program Officer, ICDS, Samastipur.
5. Smt Poonam Kumari, Director, DRDA, Samastipur.
6. Shri Somnath Singh, District Supply Officer, Samastipur.
7. Smt Parveen Jahan, Deputy Election Officer, Samastipur.
8. Shri Avikalp Mishra, DTO-ON, Care India, Samastipur.
9. Chief of Party, Care India, Bihar, H.NO. 14, Patliputra Colony, Patna.
10. Miss Nishu Kumari D/o Mr. Amrendra Kumar currently serving as District Coordinator, ICDS Samastipur, Bihar Private Respondent.

... ... Respondent/s

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Appearance :

For the Petitioner/s : M/s Vishal Kr Singh, Vibhakar Kr, Anjani Kr, Ashwani Kr, Advocates

For the Respondent/s : Mr Md Raisul Haque, SC X

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 **05-02-2021** This case has been taken up for consideration through Video Conferencing.

Learned counsel for the petitioner submits that the petitioner participated in the selection process for selection of District Coordinator under the Integrated Child Development Services on contractual basis. The complaint is that Respondent No 10 has been awarded higher marks than the petitioner on the

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parameter of the qualification of Graduate or Certificate of Diploma in Computer Science/Information Technology, whereas Respondent No 10 does not possess the same qualification. It is on this account that she has secured 72.95 marks whereas the petitioner secured 70.09 marks. If the marks granted to Respondent No 10 in respect of the said qualification is excluded, the petitioner would be Number 1 candidate and entitled to selection as the District Coordinator.

Petitioner's counsel further submits that after great efforts, the petitioner has been able to obtain these details under Right to Information Act and now he will be approaching the District Magistrate, Samastipur in this regard.

Learned State Counsel submits that the nature of employment is contractual. He is not in a position to assist this Court whether the contractual appointments still subsist.

Since the petitioner's counsel submits that the petitioner would approach the District Magistrate, Samastipur with his detailed complain in this regard, this Court, without going into the merit of the issue, would dispose of the writ petition with liberty to the petitioner to approach the District Magistrate, Samastipur (Respondent No 3) with his complain within two weeks.

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In the event, such a complain is made, the District Magistrate, Samastipur, after hearing the necessary parties, would be under a legal obligation to dispose of the same expeditiously, without any undue delay and preferably within six weeks from the date of receipt/production of a copy of this order.

(Madhuresh Prasad, J)

***M.E.H.*/-**

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