

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8566 of 2020

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Munni Khatoon Wife of Md. Faisal, Village - Bhagwanpur Ghoncha, P.O.-
Choumukh P.S. - Bochahan, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through its Director Department of Social Welfare, Govt. of Bihar, Patna.
2. The Director, Department of Social Welfare Govt. of Bihar, Patna.
3. The District Magistrate Muzaffarpur, District - Muzaffarpur.
4. The District Programme Officer, Muzaffarpur, District - Muzaffarpur.
5. The Block Development Officer, Bochahan, District - Muzaffarpur.
6. The Child Development Programme Officer Bochahan, District - Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shashi Bhushan Singh
For the Respondent/s	:	Mr. Lalit Kisgore, AG
For the State	:	Mr. Sunil Kumar Mandal, SC 3
	:	Smt. Neelam Kumari, Advocate
	:	Mr. Bipin Kumar, Advocate
	:	Mr. Arjun Prasad, Advocate

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

Date : 22-11-2021

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

“(i) For issuance of an appropriate writ in the nature of certiorari for quashing the letter No. 477 dated 8.09.2020 issued under the signature of the child development project officer, Bochahan whereby and whereunder a direction has been given for re-survey of the population of ward No. 7, centre No. 274 under Panchayat Raj Lohsari, Block Bochahan, because such decision is in teeth of law laid down by the Hon’ble Apex Court by which it has held that after commencement of process no any change can be made in the selection Process nor eligibility can be deferred.



(ii) For issuance of an appropriate writ in this nature of Mandamus Commanding and directing the respondent to convene the meeting of general body and select the petitioner being the top candidate in the merit list as per norms and eligibility fixed in the advertisement.

(iii) For issuance of any other appropriate writ/ writs, order/orders, direction/directions for which the writ petitioner shall be found entitled under facts and circumstances of the case.”

Petitioner is stated to be a candidate for recruitment to the post of Anganwari Sevika which is stated to be reserved for general merit. During process of selection, one of the candidate stated to have made a representation to the Department that the post should have been earmarked to backward classes instead of general merit. The same was taken note of and there is a correspondence between C.D.P.O and women supervisor as is evident from Annexure 5 dated 08.09.2020. Thus the petitioner has presented this petition on the presumption and assumption that the post of general merit pursuant to the advertisement is likely to be cancelled and it would be reserved for backward classes. Such assumption and presumption cannot be appreciated unless and until advertisement for Anganvari Sevika general merit category is withdrawn or cancelled. Therefore, the petitioner has not made out the case so as to interfere with the Annexure 5 dated 08.09.2020. However, disposal of the present petition would not come in the way of competent authority to complete the process of selection



and appointment to the post of Anganwari Sevika general merit category pursuant to the earlier advertisement within a period of four weeks in accordance with law.

Writ petition is disposed of.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.11.2021
Transmission Date	NA

