

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7416 of 2021

Pratima Devi, W/o Sri Ramswarth Thakur, R/o-Village-Kuanhi, P.O.-
Chaurghatta Kuahi, Block-Motipur, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Social Welfare, Bihar, Patna.
2. The Secretary, Department of General Administration, Bihar, Patna.
3. The Director, Integrated Child Development Services, Department of Social Welfare, Bihar, Patna.
4. The Deputy Director, Integrated Child Development Services, Department of Social Welfare, Bihar, Patna.
5. The Collector, Muzaffarpur.
6. The District Program Officer, I.C.D.S., Muzaffarpur.
7. The Child Development Project Officer, Baruraj Block-Motipur, District-Muzaffarpur.
8. Nitu Kumari, W/o Uday Narayan, R/o Village-Kuanhi Block-Motipur, District-Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Manoj
For the Respondent/s : Mr. Md. Nadim Seraj, GP-5

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 26-04-2022

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

*“That this application is for issuance
of appropriate writ/ writs for setting aside
Order dt.-04.02.2021 passed in Case no.-
131/2020 by Respondent no.-6 by which
wrongly and illegally services of Petitioner
working as Anganwadi Sevika has been*



terminated by mentioning that the age of Petitioner at the time of appointment as Anganwadi Sevika was more than 40 years the prescribed age for appointment of the Anganwadi Sevika and as such the direction made to work as per the previously appointed as Anganwadi Sahayika, if there is any post is vacant in the nearby Home ward without considering that the Petitioner was already working as Anganwadi Sahayika and got 5 merit point for the Experience gained as Sahayika was after considerations all the aspects were directed by Respondent no.-3 for the appointment of Petitioner as Anganwadi Sevika and further to set aside the Order dt.-25.10.2019 passed by Respondent no.-5 by making reinstatement of petitioner at the post of Anganwadi Sevika with direction to relax the rules of upper age limit up to 45 years as made in case of 25% Sevika are to be the Female Supervisor as per the applicable rules, with all consequential benefit.”

The petitioner and respondent no.8 were candidates for recruitment to the post of Anganwadi Sahayika. The petitioner was selected and appointed. Thereafter, the official respondent notices that the petitioner's selection and appointment was contrary to the policy decision, in particularly,



the petitioner was over aged for the recruitment, the same was taken note of. Thus, petitioner's appointment was cancelled while appointing respondent no.8. Learned counsel for the petitioner could not apprise this Court that even though the petitioner was initially working as Anganwadi Sahayika for about eight years, that service cannot be taken into consideration for the purpose of age relaxation, since the petitioner could not apprise this Court with any material information that selecting and appointing authority for Anganwadi Sahayika is expected to extend age relaxation.

In the light of these facts and circumstances, the petitioner has not made out a case so as to interfere with the impugned orders.

Accordingly, the present petition stands dismissed.

(P. B. Bajanthri, J)

(Rajeev Ranjan Prasad, J)

Ankit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.04.2022
Transmission Date	NA

