

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 19783 of 2014

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Sunaina Kumari W/o Shambhu Prasad Sah Resident of Village Haripur,
Tinkonma, P.O. Haripur Kala, Police Station Murliganj, District Madhepura.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Social Welfare Department, Government of Bihar, Patna.
3. The Director, I.C.D.S., Social Welfare Department, Govt. of Bihar, Patna.
4. The District Magistrate, Madhepura, District Madhepura.
5. The District Programme Officer, Madhepura, District Madhepura.
6. The Gram Panchayat Haripur Kala, through its Secretary, Police Station Murliganj, District Madhepura
7. Phool Kumari W/o Chandan Thakur Resident of Village Haripur, P.O. Haripur Kala, Police Station Murliganj, District Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr Santosh Kumar Verma, Advocate
For the Respondent/s : Mr Jay Prakash Sharma, AC to GP XXI

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 06-12-2022 Heard learned counsel for the petitioner and the respondents.

The brief background leading to filing of the instant writ petition is the rejection of petitioner's candidature in the process of selection of Sevika in Ward No 11 in the district of Madhepura on account of her being disqualified in terms of Clause 4.9 of the Sevika/Sahayika Selection Guidelines, 2011 issued by the Integrated Child Development Scheme. The said clause provides that the brother-in-law, irrespective of the fact



that he is elder or younger brother-in-law, if in any Government service, would disqualify the candidature of the applicant.

Petitioner's counsel submits that the same is not logical and it is a flimsy ground as brothers may be related to each other but may not be living in jointness. Submission is that the petitioner has been living separately from her elder brother-in-law (**Bhainsur**) since the last 25 – 30 years. The disqualification clause, therefore, is unsustainable as also inapplicable in the case of the petitioner.

The ground, urged by the petitioner's counsel, does not constitute a ground for interfering with the disqualification clause. The same disqualification was clearly there when the petitioner made her application with open eyes. She was knowing well that she would be held by the standard and disqualification specified in the 2011 Guidelines, still she has participated in the process of selection. Having taken her chance, when she has not emerged successful, she is estopped from now challenging the disqualification.

This writ petition is, therefore, devoid of merit and is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

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