

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.669 of 2018

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Paliganj Block Mukhiya Sangh Through Its Adhyaksh Sunil Kumar, Son of Lane Nathuni Singh, resident of Village and P.O. Masourha, P.S. Paliganj, District- Patna, Presently Mukhiya of Gram Panchayat Raj, Mashourha Jalpura, Block- Paliganj, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Social Welfare Department, Government of Bihar, Patna.
3. The Divisional Commissioner, Patna Division, Patna.
4. The District Magistrate, Patna, District- Patna.
5. The District Programme Officer, Patna, District- Patna.
6. The Child Development Project Officer, Paliganj, District- Patna.

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 1201 of 2018

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1. Rinku Devi, wife of Sri Ram Jeevan Paswan, Resident of village - Dhanauti, P.O. Jai Govind Nagar, Bhakhra, P.S. Barun, District - Aurangabad, presently Mukhiya, Gram Panchayat Raj, Gothauli, Block - Barun, District - Aurangabad.
2. Rima Devi, wife of Sri Chitranjan Singh, Resident of village and P.O. Barauli, P.S. Jamhor, District - Aurangabad, presently Mukhiya, Gram Panchayat Raj, Pipra, Block - Barun, District - Aurangabad.
3. Baleshwar Bhagat, son of Sri Kishun Bhagat, Resident of village and P.O. Dhangain (Hathi Khap), P.S. Jamhor, District - Aurangabad, presently Mukhiya, Gram Panchayat Raj, Dhangain, Block - Barun, District - Aurangabad.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Social Welfare Department, Government of Bihar, Patna.
3. The District Magistrate, Aurangabad, District - Aurangabad.
4. The District Programme Officer, Aurangabad, District - Aurangabad.
5. The Child Development Project Officer, Barun, District - Aurangabad.

... .. Respondent/s

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with



Civil Writ Jurisdiction Case No. 1271 of 2018

1. Surendra Prasad, Son of Ram Bilas Prasad, Resident of Village- Main Bazar Madanpur, P.O. and P.S. Madanpur, District- Aurangabad, presently Mukhiya, Gram Panchayat Raj, Madanpur, Block- Madanpur, District- Aurangabad.
2. Shivpujan Ram, Son of Sri Jethu Ram, Resident of Village- Tandwan, P.O. War, P.S. Madanpur, District- Aurangabad, presently Mukhiya, Gram Panchayat Raj, War, Block- Madanpur, District- Aurangabad.
3. Rajesh Kumar, Son of Ram Naresh Prasad, Resident of Village and P.O. Mahuawan, P.S. Madanpur, District- Aurangabad, presently Mukhiya, Gram Panchayat Raj, Mahuawan, Block- Madanpur, District- Aurangabad.
4. Shakuntala Devi, Wife of Sri Kamlesh Kumar, resident of Village- Shivganj, P.O.- Teldiha, P.S.- Madanpur, District- Aurangabad, presently Mukhiya, Gram Panchayat Raj, Erkikala, Block- Madanpur, District- Aurangabad.
5. Sushila Devi, Wife of Sri Satyendra Singh, Resident of Village- Ajan, P.O. Nima Ajan, P.S. Madanpur, District- Aurangabad, presently Mukhiya, Gram Panchayat Raj, Ajan Nima, Block- Madanpur, District- Aurangabad.
6. Chandrakanti Devi, Wife of Sri Subedar Kumar, Resident of Village- Pararia, P.O. Madanpur Khiriawan, P.S. Madanpur, District- Aurangabad, presently Mukhiya, Gram Panchayat Raj, Khiriawan, Block- Madanpur, District- Aurangabad.
7. Kanti Devi, Wife of Sri Shyam Sunder Yadav, Resident of Village- Gaiwal Bigha, P.O. Dadhpi, P.S. Madanpur, District- Aurangabad, presently Mukhiya, Gram Panchayat Raj, Dadhpi, Block- Madanpur, District- Aurangabad.
8. Rajmatiya Devi, Wife of Sri Gupta Paswan, Resident of Village- Baniya, P.O. Nagmatia, P.S. Madanpur, District- Aurangabad, presently Mukhiya, Gram Panchayat Raj, Baniya, Block- Madanpur, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Social Welfare Department, Government of Bihar, Patna.
3. The District Magistrate, Aurangabad, District- Aurangabad.
4. The District Programme Officer, Aurangabad, District- Aurangabad.
5. The Child Development Project Officer, Madanpur, District- Aurangabad.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 669 of 2018)

For the Petitioner/s : Mr. Mr. S. K. Manglam, Advocate

Ms. Anita Kumari, Advocate

For the State : Mr. S.K. Mandal, SC-3

(In Civil Writ Jurisdiction Case No. 1201 of 2018)

For the Petitioner/s : Mr. Mr. S. K. Manglam, Advocate



For the State : Ms. Anita Kumari, Advocate
(In Civil Writ Jurisdiction Case No. 1271 of 2018) : Mr. Rajesh Kumar, AC to GP-3
For the Petitioner/s : Mr. S. K. Manglam, Advocate
Ms. Anita Kumari, Advocate
For the State : Mr. Prashant Pratap, GP-2
Mr. Lala S. N. Rais, AC to GP-2

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 08-08-2022 In all the three cases, the petitioners have assailed paragraph 1(ठ) of the 2016 guidelines for selection of Aganwadi Sevika/Sahayika as well as the advertisements issued pursuant to the 2016 guidelines as being illegal inasmuch as the composition of reservation is concerned.

The parties are in agreement that in view of the interim order beyond issuance of advertisement, no action has been taken for these selections arising out of Advertisement No.3 of 2017 dated 16.12.2017 in C.W.J.C. No. 669 of 2018 and Advertisement No.2 of 2017 in C.W.J.C. No. 1201 of 2018 and C.W.J.C. No. 1271 of 2018.

From the submissions of parties, it is apparent that beyond issuance of advertisements, no steps have been taken for selection of Sevika/Sahayika in terms of the advertisements which have been assailed in the instant writ proceedings.

It is also brought to the notice of the Court that in between, after issuance of the interim order and before the instant matters have been taken up today, the 2019 guidelines



have already come to occupy the field. Selection, if any, today is conducted or carried on then the same has to be under the Aganwadi Sevika/Sahayika Selection Guidelines of 2019.

The 2019 guidelines have been implemented with effect from 27.05.2019. It is also an admitted position that no third party rights have accrued on the basis of advertisements which are impugned in the instant writ proceedings.

Since the parties are in agreement that now the selection has to be done in terms of the 2019 guidelines, the issue in instant writ proceedings now has remained only academic value.

In view of the aforesaid circumstance and subsequent event, namely, coming into effect of the 2019 guidelines, the writ applications are disposed of as infructuous.

(Madhuresh Prasad, J)

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