

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5295 of 2022

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1. Sunila Kumari W/o Yugal Kishore Prabhakar, Resident of Narouni, Balabigha, Khizersarai, Gaya, Khizirsarai, Bihar - 824233.
 2. Premlata Sinha, W/o Vundi Chaudhari, Resident of Village and Post - Neem Chak Bathani, Gaya, Atri, Bihar - 823311.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Bihar, Patna.
2. The Additional Chief Secretary, General Administration Department, Government of Bihar, Old Secretariat, P.S. - Sachivalaya, Distt. - Patna.
3. The Principal Secretary, Social Welfare Department, Government of Bihar, Old Secretariat, P.S. - Sachivalaya, Distt. - Patna.
4. The Director, Integrated Child Development Scheme, (ICDS), Directorate, Secretariat, P.S. - Sachivalaya, Distt. - Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Ms.Roona, Advocate
For the Respondent/s : Mr.Prasant Pratap (Gp 2)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-11-2023 1. The present writ petition has been filed seeking the following reliefs:-

“(i)For a direction upon the Respondents to consider the case of the Petitioners for promotion to the post of Lady Supervisor in terms of policy of the government as contained in Annexure-6 whereby 50% posts of Anganbari Supervisor is to be filled up from candidates working as Anganbari Sevika by relaxing the upper age limit of 45 years for such promotion.

(ii) For quashing of part of Clause-V of the Resolution dated 10.06.2010 as contained in



Annexure-1 whereby upper age limit for selection as Anganbari Supervisor has been fixed as 45 years and the same is also being applied for promotion from the cadre of Anganwari Sevika.

(iii) For declaration/clarification that the age limit prescribed between 18 years to 45 years is for new recruits for whom 50% posts of Anganbari Supervisor has been reserved and not for those who are to be promoted from Anganbari Sevika to Anganbari Supervisor against remaining 50% posts which are earmarked for promotion and further for declaration that there should not be any stipulation of age limit for promotion to the post of Anganwari Supervisor.

(iv) For a direction upon the Respondents not to disqualify the Petitioners for promotion to the post of Supervisor on the ground of having attained more than 45 years of age as constitutionally no age is prescribed for promotion specially when the process of promotion was undertaken long back and there has not been any promotion from the post of Anganbari Sevika to Anganbari Supervisor in last several years.”

2. It has been pointed out at the outset that the State Government has evolved a policy regarding relaxing of age criteria for the purposes of making appointments on the post of Lady Supervisor from the cadre of Anganbari Sevika.



3. The learned counsel for the petitioners has submitted that the present case is squarely covered by a judgment dated 01.02.2023 rendered by the learned Division Bench of this Court, passed in ***LPA No.105 of 2022 (Manju Kumari vs. the State of Bihar & Ors)***, hence the present writ petition be disposed off in terms of the said judgment dated 01.02.2023.

4. *Per contra*, the learned counsel for the respondent-State submits that since the State Government has already taken a policy decision, he has go no objection in case the present case is disposed off in the aforesaid terms.

5. Having regard to the facts and circumstances, I deem it fit and proper to dispose off the present writ petition in terms of the judgment rendered by the learned Division Bench of this Court in the case of ***Manju Kumari*** (supra).

(Mohit Kumar Shah, J)

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