

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2325 of 2018

=====

Rani Kumari Wife of Bikash Kumar Yadav @ Bikash Kumar, resident of
Village- Tetaria, Ward No. 9, P.S.- Baunsi, District- Banka.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Collector, Banka.
3. The D.P.O., Banka.
4. The C.D.P.O., Baunsi, District- Banka.
5. Mukhia, Gram Panchayat Raj Bagduma, Anchal- Bounsi, District- Banka.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Mritunjay Prasad Singh, Adv.
For the Respondent/s	:	Mr. Md. Raisul Haque- SC10
	:	Mr. Md. Obaidullah, AC to SC10

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 03-10-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. Counsel for the petitioner submits that the present writ petition has been filed commanding the respondent authority to issue the selection letter of Anganwadi Sevika of Village- Tetaria Anganwari Centre, Ward No.-9, Anchal- Bounsi to the petitioner as on the basis of final merit list of the year 2015 prepared by C.D.P.O., Bounsi specifically in the light of Memo No. 538 dated 26.02.2016 issued by the Director I.C.D.S. in the light of guidelines of 2016.

3. Counsel for the petitioner submits that in the year

2015, there was advertisement for selection on the post of Sevika of Village- Tetaria Anganwari Centre, Ward No. 9 was published and petitioner alongwith 5 other candidates *i.e.*, total 6 candidates have applied for the same and the name of petitioner was published in the merit list of Ward No.8, thereafter, petitioner had filed objection and upon verification, authorities have published fresh merit list of Sevika in which petitioner's name has figured at serial no.1. Counsel further submits that either on one pre-text or other, selection letter was not issued and authority has made advertisement for selection of Sevika of Village- Tetaria Anganwari Centre.

4. Counsel for the State has raised preliminary objection that under rule for appointment of Sevika Sahayika, there is a provision that decision of CDPO is challengeable before the DPO and the order of DPO is challengeable before the concerned District Magistrate according to the then rule.

5. Counsel further submits that under Clause 8 / 8.20, it has also been mentioned that due to any reason, if appointment could not be completed in one year then District Magistrate can extend the said appointment for one month only otherwise the validity of said advertisement shall be for one year. The respondent has taken the stand that in the present case,

one year has already been completed as the advertisement relating to present petitioner was published in August, 2015, provisional merit list was also prepared and Aam Sabha was not convened. As such, the merit list was also not final. After lapse of one year, fresh advertisement was published in the month of December, 2017, merit list was prepared, Aam Sabha was convened on 16.07.2018 and selection of Aaganwadi Sevika was issued on 15.01.2019 as per the guideline.

6. In the light of the submissions made by the parties, it transpires to this Court that the present writ petition has become infructuous in the light of new guideline as one year has already been lapsed for the petitioner and the list published could not be approved from the Aam Sabha and the fresh appointment has also been made.

7. In this view of the matter, the present writ petition stands dismissed.

(Dr. Anshuman, J.)

prakashmani/-

U			
---	--	--	--