

Chandani Kumari @ Chandani Devi, Wife of Rajesh Kumar Yadav, Resident of Village and Post Office- Pipra, Police Station and Block- Banmankhi, Police Station- Purnea.

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Social Welfare, Government of Bihar, Patna.
2. The Director, Integrated Child Development Scheme, Government of Bihar, Patna.
3. The Collector, Purnea.
4. The District Programme Officer, Purnea.
5. The Child Development Project Officer, Banmankhi, District- Purnea.
6. Smt. Meena Devi Wife of Ghanshyam Yadav Resident of Village and P.O.- Pipra, Police Station and Block- Banmankhi, District- Purnea.

Appearance :

For the Petitioner : Mr.Madhu Prasun, Advocate
For the State : Mr.Md. Raisul Haque, SC-10
Mr.Md. Obaidullah, AC to SC-10

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 18-08-2023 1. Heard learned counsel for the petitioner and
learned counsel for the respondent-State.

2. The petitioner participated in the process of selection of Aanganwadi Sevika for Centre No. 318, Ward No.11, Gram Panchayat Raj-Pipra, Block-Banmankhi, District-Purnea.

3. The contention of learned counsel for the petitioner is that in terms of Guidelines for Selection of Aanganwadi Sevika/Sahayika, 2011 (hereinafter referred as “2011



Guidelines”) under which the selection process was initiated, the private respondent no.6 suffered a disqualification as she was *Bhabhi* (sister-in-law) of a person who was a gainful employee. The authorities have over looked this disqualification, placing reliance on amendment to this clause effected by Directorate of Integrated Child Development Services (hereinafter referred as “ICDS”) vide letter dated 07.08.2015 bearing No. 3201. He submits that such amendment changing the rules of the game mid way the selection process, cannot be made the basis of throwing out the petitioner's challenge to the candidature of respondent No.6.

4. Learned counsel for the State on the other hand at the very outset has raised a preliminary objection regarding delay and laches. The writ petition has been filed in the year 2022 against order passed by the Collector on 27.07.2017. He further draws attention of the court towards the ICDS letter dated 07.08.2015 bearing memo No. 3201, taking note of the fact that the same is giving immediate effect to amendment of provisions contained in the 2011 Guidelines.

5. The letter is clear in its intent as it contains an explicit clause, which reads as follows:-

“उपरोक्त संशोधन/नए प्रावधान तत्काल प्रभाव से लागू



होगें।”

6. The amendment was to take effect immediately from the date of issuance of the letter i.e. 07.08.2015. It is not in dispute that the selection has been done thereafter.

7. The submission of learned counsel for the petitioner that such change of rules mid way is impermissible is found to be unsustainable, in view of the fact that the petitioner never questioned the amendment after it had been introduced, taking effect immediately from the date of issuance of the letter. Having been declared unsuccessful, now this court is not inclined to accept such submission, that also at a belated stage.

8. The writ petition is devoid of merit and dismissed.

(Madhuresh Prasad, J)

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