

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.328 of 2018

In
Civil Writ Jurisdiction Case No.142 of 2013

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Gita Devi wife of Upendra Kumar, resident of Village- Kaler, P.S.- Kaler,
District- Arwal.

... .. Appellant/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Social Welfare Department, Govt. of Bihar, Patna.
3. The Director, Social Welfare Department, Govt. of Bihar, Patna. null null
4. The Commissioner, Magadh Division, Gaya.
5. The District Magistrate, Arwal.
6. The Child Development Program Officer, Kaler, Arwal.
7. The Panchayat Secretary, Gram Panchayat, North Kaler Block, Arwal.
8. The Mukhiya, Gram Panchayat, North Kaler Block, Arwal.
9. Phul Kumari Devi, wife of Dinesh Kumar Singh, resident of Village- Kaler,
P.S.- Kaler, District- Arwal.

... .. Respondent/s

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with

Letters Patent Appeal No. 1556 of 2017

In
Civil Writ Jurisdiction Case No.19160 of 2015

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Guddi Kumari Wife of Akhilesh Kumar, Resident of Village- Sumera, Police
Station- Parasi, District- Arwal.

... .. Appellant/s

Versus

1. The State Of Bihar
2. The Director, Integrated Child Development Services, Social Welfare
Department, Government of Bihar
3. The District Magistrate, Arwal.
4. Sri Vimla Nand Jha, the District Magistrate, Arwal.
5. The Child Development Project Officer, Block- Arwal, District- Arwal.
6. The Block Development Officer, Block Arwal, District- Arwal.
7. Mukhiya Gram Panchayat-Parasi, Block and District- Arwal.
8. Panchayat Secretary, Gram Panchayat Parasi, Block and District- Arwal.
9. Arti Devi, Wife of Sanjay Paswan, Resident of village- Sumera, Police
Station- Parasi, District- Arwal.



... .. Respondent/s

with
Letters Patent Appeal No. 291 of 2018
In
Civil Writ Jurisdiction Case No.23616 of 2012

Manorma Kumari Wife of Umesh Kumar Resident of Village- Bakeya, Police
Station- Rampur Chauram, District- Arwal.

... .. Appellant/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Social Welfare Department, Government of Bihar, Patna.
3. The Director, Social Welfare Department, Government of Bihar, Patna.
4. The Commissioner, Magadh Division, Gaya.
5. The District Magistrate, Arwal.
6. The Child Development Project Officer, Arwal.
7. Dharmendra Kumar Sinha Ex-Mukhiya, Gram Panchayat, Sarouti, Resident of Village-Rampur, Police Station- Rampur Chauram, District- Arwal.
8. The Panchayat Secretary, Gram Panchayat Sarouti, Arwal.
9. Sunita Devi Mukhiya, Gram Panchayat Sarouti, Resident of Village-Rampur, Police Station- Rampur Chauram, District- Arwal.
10. Dharamsheela Devi Wife of Ravindra gupta, Resident of village- Bakeya NISARPURA, p.s.-RAMPUR CHAURAM, DISTRICT-ARWAL

... .. Respondent/s

with
Letters Patent Appeal No. 774 of 2018
In
Civil Writ Jurisdiction Case No.23717 of 2012

Sabita Kumari Wife of Parmesh Kumar, Resident of Village-Rampur, PS-
Rampur Chauram, District-Arwal.

... .. Appellant/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Social Welfare Department, Govt. of Bihar, Patna.
3. The Director, Social Welfare Department, Govt. of Bihar, Patna
4. The Commissioner, Magadh Division, Gaya.
5. The District Magistrate, Arwal
6. The Child Development Program Officer, Arwal



7. Dharmendra Kumar Sinha, Ex-Mukhiya, Gram Panchayat Sarouti, null Resident of Village-Rampur, PS-Rampur Chauram, District-Arwal.
8. The Panchayat secretary, Gram Panchayat Sarouti, District-arwal
9. Sunita Devi, Mukhiya, Gram Panchayat Sarouti, Resident of Village-Rampur, PS-Rampur Chauram, District-Arwal.
10. Rita Devi, Wife of Vijay Kumar, Resident of Village-Rampur, PS-Rampur Chauram, District-Arwal.

... .. Respondent/s

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with
Letters Patent Appeal No. 775 of 2018
In
Civil Writ Jurisdiction Case No.23606 of 2012

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Vimal Devi Wife of Ramjanam Sao, Resident of Village-Rampur, PS-Rampur Chauram, District-Arwal.

... .. Appellant/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Social Welfare Department, Govt. of Bihar, Patna.
3. The Director, Social Welfare Department, Govt. of Bihar, Patna
4. The Commissioner, Magadh Division, Gaya.
5. The District Magistrate, Arwal
6. The Child Development Program Officer, Arwal
7. Dharmendra Kumar Sinha, Ex-Mukhiya, Gram Panchayat Sarouti, Resident of Village-Rampur, PS-Rampur Chauram, District-Arwal.
8. The Panchayat secretary, Gram Panchayat Sarouti, District-arwal
9. Sunita Devi, Mukhiya, Gram Panchayat Sarouti, Resident of Village-Rampur, PS-Rampur Chauram, District-Arwal.
10. Sarita devi, Wife of Vijay Paswan, Resident of Village-Rampur, PS-Rampur Chauram, District-Arwal.

... .. Respondent/s

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with
Letters Patent Appeal No. 776 of 2018
In
Civil Writ Jurisdiction Case No.23878 of 2012

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Resham Kumari Wife of Rajkamal Vishwakarma, Resident of Village-Sarauti, PS-Rampur Chauram, District-Arwal.

... .. Appellant/s

Versus



1. The State Of Bihar
2. The Principal Secretary, Social Welfare Department, Govt. of Bihar, Patna.
4. The Commissioner, Magadh Division, Gaya.
5. The District Magistrate, Arwal
6. The Child Development Program Officer, Arwal
7. Dharmendra Kumar Sinha, Ex-Mukhiya, Gram Panchayat Sarouti, Resident of Village-Rampur, Ps-Ramur Chauram, District-Arwal
8. The Panchayat secretary, Gram Panchayat Sarouti, District-Arwal null null
9. Sunita Devi, Mukhiya, Gram Panchayat Sarouti, Resident of Village-Rampur, PS-Ramur Chauram, District-Arwal.
10. Savita Devi, Wife of Baijnath Singh, Resident of Village-Sarauti, PS-Ramur Chauram, District-Arwal.

... .. Respondent/s

with
Letters Patent Appeal No. 908 of 2018
In
Civil Writ Jurisdiction Case No.3 of 2016

Manju Kumari wife of Mithilesh Thakur resident of village - Parasi, P.S.- Parasi, District - Arwal.

... .. Appellant/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Social Welfare, Department, Government of Bihar, Patna.
3. The Director Social Welfare Department, Government of Bihar, Patna.
4. The Commissioner, Magadh DIvision, Gaya.
5. The District Magistrate, Arwal.
6. The Child Development Project Officer, Arwal.
7. The Panchayat Secretary, Gram Panchayat Parasi, Block- Arwal, District-Arwal.
8. The Mukhiya, Gram Panchayat Parasi, Block- Arwal, District- Arwal.
9. Smt. Sushila Devi wife of Dhurendra Prasad resident of village - Parasi, P.S.- Parasi, District - Arwal.

... .. Respondent/s

with
Letters Patent Appeal No. 909 of 2018
In
Civil Writ Jurisdiction Case No.19666 of 2015



Renu Kumari Wife of Prakash Kumar Resident of Village - Ramlagan Bigha,
Police Station - Parasi, District - Arwal.

... .. Appellant/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Social Welfare Department, Govt. of Bihar, Patna.
3. The Director, Social Welfare Department, Govt. of Bihar, Patna.
4. The Commissioner, Magadh Division, Gaya.
5. The District Magistrate, Arwal.
6. The Child Development Project Officer, Arwal.
7. The Panchayat Secretary, Gram Panchayat Parasi, Block- Arwal, District- Arwal.
8. The Mukhiya, Gram Panchayat Parasi, Block- Arwal, District- Arwal.
9. Sunita Kumari Wife of Sanjay Singh Resident of Village - Ramlagan Bigha, Police Station - Parasi, District - Arwal.

... .. Respondent/s

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with

Letters Patent Appeal No. 910 of 2018

In

Civil Writ Jurisdiction Case No.19682 of 2015

=====

Jyoti Kumari wife of Rajesh Kumar @ Rajesh Kumar Anand Resident of
Village- Parasi, P.S.- Parasi, District- Arwal.

... .. Appellant/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Social Welfare, Department, Government of Bihar, Patna.
3. The Director, Social Welfare Department, Government of Bihar, Patna.
4. The Commissioner, Magadh Division, Gaya.
5. The District Magistrate, Arwal.
6. The Child Development Project Officer, Arwal.
7. The Panchayat Secretary, Gram Panchayat Parasi, Block- Arwal, District- Arwal.
8. The Mukhiya Gram Panchayat Parasi, Block- Arwal, District- Arwal.
9. Tanuja Kumari wife of Pramod Kumar Resident of Village- Laxmi Bigha, Parasi, P.S.- Rampur Chauram, District- Arwal.

... .. Respondent/s

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with



Letters Patent Appeal No. 1406 of 2018
In
Civil Writ Jurisdiction Case No.19721 of 2015

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Madhu Kumari wife of Sri Jai Prakash Keshari resident of Village - Chakiya,
P.S. - Parasi, District - Arwal.

... .. Appellant/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Social Welfare Department, Government of Bihar, Patna.
3. The Director, Social Welfare Department, Government of Bihar, Patna.
4. The Commissioner, Magadh Division, Gaya.
5. The District Magistrate, Arwal.
6. The Child Development Project Officer, Kaler, Arwal.
7. The Panchayat Secretary, Gram Panchayat, North Kaler, Arwal.
8. The Mukhiya Gram Panchayat, North Kaler Block, Arwal.
9. Meena Kumari wife of Sri Shankar Singh resident of village - Mirja Bigha, PS - Parasi, District - Arwal.

... .. Respondent/s

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with
Letters Patent Appeal No. 1407 of 2018
In
Civil Writ Jurisdiction Case No.23630 of 2012

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Sultana Begum wife of Sazzad Haider @ Sajjad Haider resident of village -
Kaler, Post - Kaler, P.S. - Kaler, District - Arwal.

... .. Appellant/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Social Welfare Department, Govt. of Bihar, Patna.
3. The Director, Social Welfare Department, Govt. of Bihar, Patna.
4. The Commissioner, Magadh Division, Gaya.
5. The District Magistrate, Arwal.
6. The Child Development Programme Officer, Kaler, Arwal.
7. The Panchayat Secretary, Gram Panchayat, North Kaler, Arwal.
8. The Mukhiya, Gram Panchayat, North Kaler, Arwal.
9. Punam Kumari wife of Sanjeet Kumar resident of village - Ardali Bagha, PS - Kaler, Arwal.

... .. Respondent/s



with
Letters Patent Appeal No. 70 of 2019
In
Civil Writ Jurisdiction Case No.19655 of 2015

Anupama Kumari, Wife of Shyam Amrit Raj, resident of Village- Parasi, P.S.-
Parasi, District- Arwal.

... .. Appellant/s

Versus

1. The State Of Bihar.
2. The Principal Secretary, Social Welfare Department, Govt. of Bihar, Patna.
3. The Director, Social Welfare Department, Govt. of Bihar, Patna.
4. The Commissioner, Magadh Division, Gaya.
5. The District Magistrate, Arwal.
6. The Child Development Program Officer, Arwal.
7. The Panchayat Secretary, Gram Panchayat- Parasi, Block- Arwal, District-
Arwal.
8. The Mukhiya, Gram Panchayat- Parasi, Block- Arwal, District- Arwal.
9. Arti Kumari, Wife of Anandi Prasad, resident of Village- Parasi, P.S.- Parasi,
District- Arwal.
10. Phul Kumari Devi, Wife of Dinesh Kumar Singh, resident of Village- Kaler,
P.S. Kaler, Arwal.

... .. Respondent/s

Appearance :

(In Letters Patent Appeal No. 328 of 2018)

For the Appellant/s	:	Mr. Ashhar Mustafa, Advocate
For the State	:	Mr. Gyan Prakash Ojha -GA7 Mr. Abhishek Singh, AC to GA-7 Smt. Sangita Kumari Ghosh, Advocate
For the Respondent/s	:	Mr. Ujjawal Kumar Singh, Advocate Mr. Sajneev Kumar Jha, Advocate
For the Resp. 8, 9 &10	:	Mr. Birendra Kumar, Advocate

(In Letters Patent Appeal No. 1556 of 2017)

For the Appellant/s	:	Mr. Santosh Kumar, Advocate
For the State	:	Mr. Gyan Prakash Ojha -GA7 Mr. Abhishek Singh, AC to GA-7 Smt. Sangita Kumari Ghosh, Advocate
For the Respondent/s	:	Mr. Ujjawal Kumar Singh, Advocate Mr. Sajneev Kumar Jha, Advocate
For the Resp. 8, 9 &10	:	Mr. Birendra Kumar, Advocate

(In Letters Patent Appeal No. 291 of 2018)

For the Appellant/s	:	Mr. Abhinav Srivastava, Advocate
For the State	:	Mr. Gyan Prakash Ojha -GA7 Mr. Abhishek Singh, AC to GA-7 Smt. Sangita Kumari Ghosh, Advocate



For the Respondent/s : Mr. Ujjawal Kumar Singh, Advocate
Mr. Sajneev Kumar Jha, Advocate

For the Resp. 8, 9 &10 : Mr. Birendra Kumar, Advocate
(In Letters Patent Appeal No. 774 of 2018)

For the Appellant/s : Mr. Ashhar Mustafa, Advocate

For the State : Mr. Gyan Prakash Ojha -GA7
Mr. Abhishek Singh, AC to GA-7
Smt. Sangita Kumari Ghosh, Advocate

For the Respondent/s : Mr. Ujjawal Kumar Singh, Advocate
Mr. Sajneev Kumar Jha, Advocate

For the Resp. 8, 9 &10 : Mr. Birendra Kumar, Advocate
(In Letters Patent Appeal No. 775 of 2018)

For the Appellant/s : Mr. Ashhar Mustafa, Advocate

For the State : Mr. Gyan Prakash Ojha -GA7
Mr. Abhishek Singh, AC to GA-7
Smt. Sangita Kumari Ghosh, Advocate

For the Respondent/s : Mr. Ujjawal Kumar Singh, Advocate
Mr. Sajneev Kumar Jha, Advocate

For the Resp. 8, 9 &10 : Mr. Birendra Kumar, Advocate
(In Letters Patent Appeal No. 776 of 2018)

For the Appellant/s : Mr. Ashhar Mustafa, Advocate

For the State : Mr. Gyan Prakash Ojha -GA7
Mr. Abhishek Singh, AC to GA-7
Smt. Sangita Kumari Ghosh, Advocate

For the Respondent/s : Mr. Ujjawal Kumar Singh, Advocate
Mr. Sajneev Kumar Jha, Advocate

For the Resp. 8, 9 &10 : Mr. Birendra Kumar, Advocate
(In Letters Patent Appeal No. 908 of 2018)

For the Appellant/s : Mr. Ranjan Kumar Singh, Advocate

For the State : Mr. Gyan Prakash Ojha -GA7
Mr. Abhishek Singh, AC to GA-7
Smt. Sangita Kumari Ghosh, Advocate

For the Respondent/s : Mr. Ujjawal Kumar Singh, Advocate
Mr. Sajneev Kumar Jha, Advocate

For the Resp. 8, 9 &10 : Mr. Birendra Kumar, Advocate
(In Letters Patent Appeal No. 909 of 2018)

For the Appellant/s : Mr. Ranjan Kumar Singh, Advocate

For the State : Mr. Gyan Prakash Ojha -GA7
Mr. Abhishek Singh, AC to GA-7
Smt. Sangita Kumari Ghosh, Advocate

For the Respondent/s : Mr. Ujjawal Kumar Singh, Advocate
Mr. Sajneev Kumar Jha, Advocate

For the Resp. 8, 9 &10 : Mr. Birendra Kumar, Advocate
(In Letters Patent Appeal No. 910 of 2018)

For the Appellant/s : Mr. Ranjan Kumar Singh, Advocate

For the State : Mr. Gyan Prakash Ojha -GA7
Mr. Abhishek Singh, AC to GA-7
Smt. Sangita Kumari Ghosh, Advocate

For the Respondent/s : Mr. Ujjawal Kumar Singh, Advocate
Mr. Sajneev Kumar Jha, Advocate

For the Resp. 8, 9 &10 : Mr. Birendra Kumar, Advocate
(In Letters Patent Appeal No. 1406 of 2018)

For the Appellant/s : Mr. Ashhar Mustafa, Advocate

For the State : Mr. Gyan Prakash Ojha -GA7
Mr. Abhishek Singh, AC to GA-7
Smt. Sangita Kumari Ghosh, Advocate



For the Respondent/s : Mr. Ujjawal Kumar Singh, Advocate
 Mr. Sajneev Kumar Jha, Advocate
 For the Resp. 8, 9 &10 : Mr. Birendra Kumar, Advocate
 (In Letters Patent Appeal No. 1407 of 2018)
 For the Appellant/s : Mr. Ashhar Mustafa, Advocate
 For the State : Mr. Gyan Prakash Ojha -GA7
 Mr. Abhishek Singh, AC to GA-7
 Smt. Sangita Kumari Ghosh, Advocate
 For the Respondent/s : Mr. Ujjawal Kumar Singh, Advocate
 Mr. Sajneev Kumar Jha, Advocate
 For the Resp. 8, 9 &10 : Mr. Birendra Kumar, Advocate
 (In Letters Patent Appeal No. 70 of 2019)
 For the Appellant/s : Mr. Ashhar Mustafa, Advocate
 For the State : Mr. Gyan Prakash Ojha -GA7
 Mr. Abhishek Singh, AC to GA-7
 Smt. Sangita Kumari Ghosh, Advocate
 For the Respondent/s : Mr. Ujjawal Kumar Singh, Advocate
 Mr. Sajneev Kumar Jha, Advocate
 For the Resp. 8, 9 &10 : Mr. Birendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 04-02-2023

In the instant LPA appellant has assailed the order of the learned Single Judge dated 14.09.2017 passed in CWJC No. 03 of 2016 and connected matters. In CWJC No. 03 of 2016 and connected matters, relief(s) sought by the respective petitioners is as follows (for the purpose of this order, we are extracting only relief sought by Smt. Phul Kumari Devi in CWJC No. 142 of 2013):-

“(i) For Issuance of an appropriate writ/ writs, order/ orders, direction/ directions for quashing the Order dated 16.06.2012 passed by respondent no. 5 in Misc. Anganwari Case No. 17/ DM/ 2011. Memo No. 61 in the light of Order



dated 15.04.2010 passed by respondent no. 4 in Anganwari Case No. 28/2009 whereby and where under the selection of petition on the post of Anganwari Sevika at Angawari Centre No. 105 has been cancelled and the respondent no. 10 i.e. Vimal Devi to started her home at Anganwari Centre No. 105;

(ii) For issuance of an appropriate writ/ writs, order/orders, direction/ directions to the respondents to reinstate the petitioner on her selected Anganwari Centre No. 105 because on two occasions the District Magistrate Arwal i.e. Respondent No. 5 by his Order dated 15.09.2008 and 28.07.2009 has found the selection of petitioner on the post of Anganwari Sevika is valid;

(iii) For issuance of an appropriate writ/ writs, order/ orders, direction/ directions to the respondents to not take any coercive action against the petitioner because petitioner is still working on her respective post;

(iv) To grant any other relief/ reliefs to petitioners under the facts and circumstances of the case as well as law.”

02. On 22.12.2022, the following order was passed:-

“ Heard matter at length.

Respondents were selected and appointed to the post of Anganwari Sevika. Their selection was cancelled on 27.07.2007 by the District Magistrate while remanding the matter to the selecting and appointing authority to proceed afresh selection. First selection appointees who are aggrieved by the District Magistrate order dated 27.07.2007 invoke remedy



before this Court in filing CWJC No. 9774 of 2007 and connected matters. This court disposed of aforementioned CWJC on 04.02.2008 while remanding the matter to the District Magistrate to re-consider grievance of the first selection appointee-respondents. District Magistrate upheld the order of appointment of respondents on 15.09.2008.

In the meanwhile, selecting and appointing authority proceeded to comply the order of District Magistrate dated 27.07.2007 in undertaking fresh selection. Fresh selection process was completed and second selection appointees were appointed. Second selection appointees filed CWJC before this Court in questioning District Magistrate order dated 15.09.2008. This Court remanded the matter to Divisional Commissioner on 29.06.2009 without cancellation of District Magistrate order dated 15.09.2008 in respect of upholding the order of appointment issued to the first selection-appointees. Matter was remanded to Divisional Commissioner. Divisional Commissioner in turn remanded to the District Magistrate on 15.04.2010. District Magistrate order dated 16.06.2012 was subject matter of CWJC No. 23616 of 2012 in other words petitioners in CWJC No. 23616 of 2012 did not invoke appeal remedy before Divisional Commissioner.

In this backdrop, number of CWJCs were clubbed together and decided on 14.09.2017 while passing order in favour of first selection-appointees. Hence, the second selection-appointees have preferred the present LPAs. We have noticed that 15.09.2008, District Magistrate order



insofar as upholding the selection and appointment of first selected appointees has not been disturbed till date by any of the authorities and so also, by this Court in earlier CWJC No. 7094 of 2009 decided on 29.06.2009.

At this stage, learned counsel for the appellants seeks further time to address argument.

Relist this matter on 23.01.2023.”

03. Today, learned counsel for the appellant reiterated the factual aspect of the matter only difference in submission to the previous date and today, are that 257 of Anganwari Sevikas' vacancies were available. On a particular date, 194 Anganwari Sevikas were recruited, thereafter instead of recruiting 63 Anganwari Sevikas, 72 Anganwari Sevikas were recruited, in other words, 09 Anganwari Sevikas were recruited in excess. It was a subject matter before the District Magistrate, Commissioner and again before this Court. As long as, first selection appointees appointment's order is not set aside by competent forum, the appellants have no statutory or legal right. At this stage, it is to be noted that first selection appointees and their appointments were subject matter of litigation before the District Magistrate, Commissioner and before this Court. Except District Magistrate setting aside the first selection appointment and thereafter it was restored by the next higher authority and it



was subject matter of litigation before this Court, in which, this Court has only remanded the matter, without setting aside the order of appointment of first selection. In the light of these facts and circumstances the appellants have not made out a case.

04. Accordingly, the L.P.As stand dismissed.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

Ashish/Daya/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	09.02.2023
Transmission Date	

