

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19393 of 2018

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Smt. Lalita Devi @ Lalita Kumari Wife of Sri Vijay Kumar Gupta Resident of
Village- Simrahi Bazar, P.O. Raghapur, District- Supaul.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of Welfare, Government of Bihar, Patna.
3. The Director, Project, Government of Bihar, Patna.
4. The Commissioner, Koshi Division, Saharsa.
5. The District Magistrate-Cum-District Officer, Supaul.
6. The District Programme Officer I.C.D.S., Supaul.
7. The Child Development Project Officer C.D.P.O., Block- Raghapur, District- Supaul.
8. The Selection Committee of Anganbari Sevika in Centre No. 226, Gram Panchayat- Simrahi, P.S. Raghop
9. Arti Kumari Wife of Ravi Kumar Resident of Ward No. 6, Simrahi Bazar, P.O. P.S. Raghapur, District- Supaul.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Amrit Abhijat, Adv
For the Respondent/s : Mr.Smt.Kumari Amrita -GP-3

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 24-09-2024 Heard Learned Counsel for the petitioner and

Learned Counsel for the State.

2. The present writ petition has been filed for setting aside the resolution dated 25.07.2015 adopted by selection committee of Centre No. 226(Mini) South of N.H. Raghapur by which the Private Respondent No. 9 was selected against the post of Anganbari Sevika though the petitioner had highest marks and was on top of merit list. Further prayer has been



made to set aside the order dated 31.05.2018 contained in Memo No. 1033 passed in Anganwari Case No. 13/2016 by District Programme Officer, Supaul dismissing in which she filed for setting aside resolution dated 25.07.2015 of selection committee. Further prayer has been made to quash the order dated 31.05.2018 passed in appeal Case No. 03/2017 passed by the District Officer, Supaul affirming the order dated 31.05.2017 passed by District Programme Officer (ICDS) Supaul.

3. Learned Counsel for the petitioner submits that the present writ application has been filed with limited prayer that the respondent authority may be directed to consider the case of the petitioner and grant relaxation in her age as admittedly, she has crossed the upper limit at the time of appearing in the selection process for the appointment of Anganwari Sevika. Learned Counsel fairly submits that the order passed by this Hon'ble Court dated 24.08.2011 in C.W.J.C. No. 14971 of 2008 {Bihar Rajya Kusht Prakishitith Para Medical Worker (Non Medical Assistant) Sangh Vs. the State of Bihar} in which it has been observed,

“However, it is not disputed that the petitioners have worked with the respondents and have got sufficient experience. Hence, if the respondents need fresh hands and intend to engage more persons in the Scheme it will be only appropriate that the members of the Association and other Non-Medical



Assistants who have worked in the Scheme earlier should be given preference and, if necessary should be given relaxation of age also in the light of they have worked in the Scheme with the respondents subject to their earlier satisfactory service.

The writ application is disposed of with the aforesaid observations.”

Learned Counsel for the petitioner submits that petitioner is liable for the relaxation and shall be granted to the petitioner in the light of the observation made in the aforesaid C.W.J.C. No. 14971 of 2008

4. Learned Counsel for the State on the other hand submits that much water has been flown under the river because the other person has been appointed and working for more than five years and in case of granting any relief to the petitioner, it shall create unnecessary litigation amongst them.

5. After perusal of the order passed by the District Magistrate-cum-Collector, Saupaul in Anganwari Appeal No. 03 of 2017, it transpires to this Court that it has been clearly mentioned that there is no provision for relaxation of age. Moreover, this order of the District Magistrate-cum-Collector, Saupaul has been passed in the year 2018 i.e. six years back and considering the argument of the respondent that fresh person has been appointed, this Court is of the view that there is no direct rule for relaxation of age and granting relief to the petitioner shall create unnecessary litigation in this matter and also the



petitioner’s age is now 47 years.

6. In this view of the matter, this Court is not inclined to grant any relief to the petitioner. Accordingly, the present writ application stands dismissed.

(Dr. Anshuman, J)

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