

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9252 of 2019

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Priti Tiwari W/o Amit Kumar Tiwari Resident of Village and Post Office-
Jandaha, Police Station-Ramgarh, District-Kaimur (Bhabua).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, ICDS, Social Welfare Department, Bihar, Patna.
2. The Director, Integrated Child Development Scheme, Bihar, Patna.
3. The District Magistrate-cum-Collector, Kaimur at Bhabua.
4. The District Programme Officer (I.C.D.S.), Kaimur at Bhabua.
5. The District Education Officer, Kaimur (Bhabua).
6. The Child Development Project Officer, Ramgarh, District-Kaimur.
7. The Anganwadi Ladies Supervisor, Ramgarh, District-Kaimur.
8. Usha Devi W/o Anil Tiwari Resident of Village and Post office-Jandaha, Ward No.3, Panchayat-Mahuwar, Block and Police Station-Ramgarh, District-Kaimur (Bhabua).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Pathak, Adv.
For the Respondent/s : Mr.S.K.Mandal (SC3)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 07-10-2024 Heard Learned Counsel for the petitioner and

Learned Counsel for the State.

2. Learned Counsel for the petitioner submits that the present writ petition has been filed for quashing the order dated 22.02.2019 passed by the Collector-cum- District Magistrate, Kaimur (Bhabua) in Anganwadi Appeal Case No.30 of 2018 and further directing the respondent to restore the service of the petitioner as Anganwadi Sevika in Village-Jandaha Ward No.3 under Mahuwar Gram Panchayat in Block-Ramgarh, District-



Kaimur.

3. Learned Counsel further submits that the petitioner is entitled to continue as per order dated 09.10.2018 passed by Respondent No.4 on the post of Anganbadi Sevika as per the Guideline, 2016 of the I.C.D.S. He further submits that Clause 4 of the Guidelines, 2016 is absolutely in her favour. He further submits that the District Magistrate, Kaimur (Bhabua) at the time of deciding her appeal, has ignored the Clause 4 of the Guidelines, 2016 and it is due to this reason, her appeal has been rejected.

4. Learned Counsel for the private respondent on the other hand submits that in the order passed by the District Magistrate, it has been categorically mentioned that for the candidates who passed in the year 1994, there was a provision that the subject shall be considered as optional subject in which minimum marks shall be obtained.

5. Learned Counsel further submits that the petitioner has received less marks in Mathematics, therefore the marks of the said subject has been deducted and by virtue of rest marks, the petitioner has obtained 442 marks.

6. Learned Counsel for the State submits that according to the law, the private respondent No.8 has correctly



been selected.

7. Upon going through the provisions of law, it transpires to this Court that the private respondent has obtained certificate in the year 1994, therefore the law as existing on 1994, shall prevail for calculation of her marks, whereas the Guidelines, 2016 is silent on that. The Guidelines, 2016 only states that marks shall be calculated leaving optional marks.

8. Learned Counsel for the State further submits that from 2014 onwards, 1994 regulations for the purpose of calculation of marks removing the optional subject in which less marks is there, has been removed. The appointment is being done in the year 2016. Therefore, in the year 2016, the Guidelines of the year 2014 shall prevail and not of the Guidelines of 1994.

9. After hearing the argument, it transpires to this Court that the marks obtained by the private respondent in the year 1994, the methodology of calculation of marks has to take place as per the then Rule of 1994 and not according to Rule of 2014. As such, it transpires to this Court that the District Magistrate, Kaimur (Bhabua) at the time of passing the order, has followed the same principle and the same principle is completely in accordance with the provisions laid down in the



interpreting statutes *i.e.*, General Clauses Act, 1897. As such, this Court is of the firm view that there is no need of any interference in the order dated 22.02.2019 passed by the Collector-cum- District Magistrate, Kaimur (Bhabua) in Anganwadi Appeal Case No.30 of 2018.

10. In this view of the matter, the present writ application stands dismissed.

(Dr. Anshuman, J.)

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