

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14564 of 2024

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Babita Devi W/o Late Amar Rai, Resident of Village-Diliya, P.S.-
Udwanthnagar, District-Bhojpur (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Social Welfare, Govt. of Bihar, Patna.
3. The Director Directroate of Integrated Child Development Service, Govt. of Bihar, Patna.
4. The District Collector cum District Magistrate Bhojpur (Bihar).
5. The District Programme Officer Bhojpur, Bihar.
6. The Child Development Programme Officer, Udwanthnagar, Bhojpur, Bihar.
7. Smt. Lalsa Kumari, W/o Sri Vikash Kumar, Resident of Village-Diliya, P.S.-
Udwanthnagar, District-Bhojpur, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Tiwary, Adv.
For the Respondent/s : Government Pleader 3

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 23-09-2024 Heard Learned Counsel for the Petitioner and

Learned Counsel for the State.

2. The present writ petition has been filed for the
following relief/s:-

(i) To quash the order dated 26.06.2024 in Misc.
(Aanganbari) Appeal Case No. 03 of 2024 passed by the
Respondent No. 04 (the District Collector, Bhojpur) whereby
and whereunder the order of termination of the petitioner vide
order dated 30.06.2023 passed by the Respondent No. 05 (the



District Programme Officer, Bhojpur) on the post of Anganabri Sevika at Centre at Code 158 Diliya Ward No. 12, Block- Udwanthnagar, District- Bhojpur, has been affirmed after rejecting the aforesaid Appeal.

(ii) For direction be issued to the Respondent No. 06 the Child Development Programme Officer, Udwanthnagar, Bhojpur to reinstate the petitioner on the Post of Aanganbari Sevika at Center Code 158 Diliya Panchayat Bakari, Block- Udwanthnagar, Bhojpur with entire economic benefit since date of termination.

(iii) For any other relief or reliefs as your Lordships may deem fit and proper in the facts and circumstances of the case.

3. Learned Counsel for the petitioner submits that at the time of selection the petitioner became widow and, therefore, additional five marks has been granted to her. But subsequently, the District Programme Officer and the District Magistrate had passed order on the objection, found that the selection of the petitioner is not good as at the time of advertisement the petitioner did not fullfil the criteria.

4. Learned Counsel for the State submits that the decision taken by the D.P.O and the District Magistrate is



completely in accordance with law. Counsel submits that the decision may be hard to the petitioner but the correct position is that the entry made at the time of the Advertisement follows selection process, any subsequent development may not be taken into consideration.

5. After hearing both the parties, it transpires to this Court that admittedly at the time of Advertisement the petitioner was not eligible but at the time of final selection she became widow. It is true that the condition of Advertisement follows selection, therefore, eligibility at the time of Advertisement shall prevail. Hence, there is no need of any interference in this matter.

6. Accordingly, the writ petition stands disposed off.

(Dr. Anshuman, J.)

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