

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.686 of 2021

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Alka Kumari, Daughter of Dilip Kumar Jha Resident of Dumari Kala, P.S.
Dumari Kala, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through Director, Integrated Child Development Services,
Social Welfare Department, Govt. of Bihar, Patna.
2. District Magistrate, District- Sitamarhi.
3. District Programme Officer, Integrated Child Development Services,
Sitamarhi.
4. Krishna Mohan S/o Nageshwar Prasad R/o Kailashpuri, Dumara, P.O.-
Dumara, Dist- Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kr Singh No.1, Adv.
For the Respondent/s	:	Mr. Sunil Kumar Mandal, SC 3
		Mr. Arjun Mandal, AC to SC 3

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 18-02-2025

Heard the learned Advocate for the petitioner and the
learned Advocate for the State.

2. The petitioner, who was one of the aspirant of Block Project Assistant, on being aggrieved by her non selection, has approached this Court seeking quashing of letter No. 677 dated 29.05.2020 (Annexure-5), by which, in the submission of the petitioner, without following the reservation quota for Female Category for the post of Block Project Assistant, the selection list has been prepared and the petitioner, whose name was figured at serial no. 12 of the merit list, has



not been taken into consideration, although 3 seats were reserved for Female Category.

3. Referring to the roster, copy of which is placed as Annexure-3 to the writ petition, it is contended that the roster clearly demonstrates that 4 posts were kept vacant for General Category candidate and 3 posts were vacant for Unreserved Female, whereas the merit list clearly depicts that only 2 General Category candidates have been appointed and, as such, the roster has not been followed.

4. A counter affidavit has been filed on behalf of the District Programme Officer, Sitamarhi. A categorical averment has been made that in the light of the guidelines issued by the Director, ICDS, Bihar, Patna vide letter No. 2621 dated 17.05.2019, an advertisement was issued inviting application for eligible candidates for appointment against 18 vacant posts of Block Project Assistant along with other posts. A number of candidates along with the petitioner and others have filed their applications for appointment. Provisional merit list was prepared on 26th February, 2019 and objections were also invited. After due scrutiny, a final merit list was prepared and appointment letters were issued to the selected candidates for the post of Block Project Assistant.



5. It is the contention of the learned Advocate for the State that the petitioner being a candidate of Unreserved Category did not come within the zone of merit against two posts available to the Unreserved Female Category and thus the petitioner could not be selected against the post of Block Project Assistant. This fact is also relevant that the petitioner even did not come in the category of Economically Weaker Section, hence she was not found eligible to be selected against the post admissible to the candidates of Economically Weaker Section. Moreover, the post of Block Project Assistant is not in existence as the same has already been omitted after 31st August, 2022 in terms of letter No. 3978 dated 10.08.2022.

6. Counter affidavit has also been filed on behalf of the respondent no. 4, one of the selected candidate, and it has been contended that out of 18 posts of Block Project Assistant in the district of Sitamarhi, according to the roster, since the petitioner belongs to Unreserved Category candidate, any challenge to the appointment of the respondent no. 4, who comes under Economically Backward Class, is wholly misconceived and cannot be sustained.

7. This Court has considered the submissions advanced on behalf of the learned Advocate for the petitioner



and on being found that two posts against the Unreserved Female Category candidate has already been filled up and the petitioner being 3rd candidate in merit could not come within the zone for consideration, there is no error apparent in the selection of the Block Project Assistant.

8. This Court also finds that now the post of Block Project Assistant has already been obliterated, way back in the year 2022 itself, the writ petition stands closed.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	
CAV DATE	
Uploading Date	28.02.2025
Transmission Date	

