

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7143 of 2014

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Sangita Kumari, Wife of Sri Indradeo Sharma, R/O Village Rampur
Bakhtaur @ Godiha Bahadurpur, P.O.+P.S. Goraul, Dist. Vaishali

.... Petitioner/s

Versus

1. The State of Bihar
2. Secretary, Social Welfare, Department, Government of Bihar, Patna
3. Director, Social Welfare, Government of Bihar, Patna
4. Commissioner, Tirhut Division, Muzaffarpur, Distt. Muzaffarpur.
5. Collector, Vaishali
6. Deputy Development Commissioner, Vaishali
7. District Programme officer, Vaishali
8. Child Development Project officer, Goraul, Vaishali
9. Panchayat Sachiv, Gram Panchayat Raj Katarmala, P.S. Goraul, Dist. Vaishali
10. Mukhia, Gram Panchayat, Katarmala, P.S. Goraul, Dist. Vaishali
11. Renu Sharma, W/O Sri Braj Kishore Sharma @ Brijnandan Thakur, R/O Village Godia Bahadurpur, P.S. Goraul, Dist. Vaishali

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.Mahesh Prasad No.-2
Mr. Rewti Kant Raman

For the Respondent nos.1to8: Mr. Sanjay Pandey, GP-21
Mr.Nishant Kumar Jha, AC to GP-21

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 09-01-2015 Heard the parties.

The petitioner has filed the present writ petition under Article 226 of the Constitution of India seeking a direction to the respondents to cancel the selection of respondent no.11 on the post of Anganwari Sevika for Anganwari Centre in question.

Learned counsel appearing on behalf of the petitioner submits that the resolution, as contained in Annexure-1, was passed on 23.03.2007, whereby the respondent no.11 was selected on the post of Anganwari Sevika. According to him, the Mukhiya had issued the selection letter in favour of respondent no.11, who happens to be her relation. He further submits that the resolution itself was an appointment letter of the respondent no.11.

Under the guidelines issued by the State Government,

for the purposes of selection/appointment on the post of Anganwari Sevika, a final decision is/was required to be taken by the competent authority of the respondent State on the basis of a resolution of the Aam Sabha of the Gram Panchayat. At the relevant time, the C.D.P.O. was the competent authority for the purposes of issuance of selection letter and, if someone was aggrieved, then she/he was required to raise grievances before the District Magistrate of the concerned district by filing an appropriate petition. However, despite repeated query, learned counsel appearing on behalf of the petitioner has not shown any document, whereby the respondent no.11 was appointed on the post of Anganwari Sevika on the basis of resolution dated 23.03.2007 (Annexure-1). Apparently, the petitioner has not brought all the relevant materials on the record.

Apart from that, the writ petition suffers from delay and laches. After more than 7 years, the selection/appointment of the respondent no.11 on the post of Anganwari Sevika cannot be permitted to be challenged. Indisputably, the posts of Anganwari Sevika or Sahayika are not the civil posts. They are appointed/selected under a scheme and are paid certain honorarium. It has been held by the Hon'ble Apex Court that they are only agents of the Government and not the regular employee. Further more, they have no protection of Article 311 of the Constitution of India.

For the reasons recorded above, the reliefs sought for cannot be granted to the petitioner in the present proceeding. Accordingly, the writ petition is dismissed.

Arvind/-

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(Birendra Prasad Verma, J)