

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20035 of 2013

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Archana Devi Wife of Madan Kumar Yadav Resident of Village - Bela, P.S. -
Jainagar, District - Madhubani

.... Petitioner

Versus

1. The State of Bihar
2. The District Magistrate, Madhubani
3. The District Programme Officer, Madhubani
4. The Child Development Programme Officer, Jainagar, Madhubani
5. The Mukhiya, Gram Panchayat Raj, Belhi West, Block Jainagar, District -
Madhubani
6. The Panchayat Secretary, Gram Panchayat Raj, Belhi West, Block Jainagar,
Madhubani
7. Rina Devi, wife of Bishundeo Choudhary, village Bela, Gram Panchayat Raj
Belhi (West), Sub-division Jainagar, District Madhubani.

.... Respondents

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Appearance :

For the Petitioner	:	Mr. S.N. Yadav Mr. Saroj Kumar, Advocates
For the Resp. No. 7	:	Mr. Ravindra Kumar Singh, Advocate
For the Resp. Nos. 2 3 and 4	:	Ms. Abhanjali, AC to GA 12

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 16-10-2017

The present writ petition has been filed for quashing the order dated 27.02.2012 passed in Appeal No. 19/2010-11 by the District Magistrate, Madhubani to the extent that the selection of the petitioner as Anganwari Sevika of Anganwari Centre No. 96 in Gram Panchayat Raj, Belhi West, Block Jainagar, District Madhubani has been cancelled; for issuance of a writ in the nature of mandamus; and/or an appropriate writ, order or direction commanding the respondents to re-instate the petitioner in service.

2. At the very outset this Court takes note of the Division Bench order of this Court in the case of Neetu Kumari, wife of Rajesh Kumar Kushwaha @ Rambabu, R/o. Village-Asadpur Satpura, P.S.



Bhagwanpur, District Vaishali vs. The State of Bihar through the Secretary, Welfare Department, Govt. of Bihar, New Secretariat, Patna-1 and ors., 2011(4) PLJR 20 where it has been observed as follows –

“4. In our considered view, the post of Anganbari Sevika is not a post having security of tenure or protection under Article 311 of Constitution of India. Considering the very nature of engagement which provides for honorarium, we are of the view that in case the appellant still feels aggrieved, she may approach the Civil Court for damages. There is nothing at stake in such a scheme other than honorarium. For such contractual engagements the relief of reinstatement is not appropriate and even if there is breach of the scheme or any other principle of law, the claim should ordinarily be permitted, if found good on merits, only for damages.

5. The appeal is dismissed.”

3. On perusal of the said order it is apparent that no reinstatement in cases of the present nature can be directed. Moreso, when the petitioner has not pleaded violation of natural justice or other grounds for exercise of extra ordinary writ jurisdiction. The writ petition is accordingly dismissed with liberty to the petitioner to approach the appropriate forum for claim for damages, if so advised.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
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