

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8048 of 2022

Hari Kishor Rajak Son of Suresh Rajak Resident of Village and P.O.-
Kumarpur, Ward No.4, Block and P.S.-Fullidumar, District-Banka

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Social Welfare Department
Government of Bihar, Patna.
2. The Director, Integrated Child Development Service, Social Welfare
Department, Government of Bihar Patna.
3. The District Magistrate Banka,
4. The District Program Officer- District-Banka,
5. The Child Development Project Officer, District-Banka,
6. Puja Kumari W/o of Phulo Das, Village and P.O.-Kumarpur, Harijan Tola,
P.S.-Fullidumar, Dist.-Banka.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rounak Kumar Singh (Pankaj), Advocate
For the Respondent/s : Mr.Gyan Prakash Ojha (GA- 7)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

**(The proceedings of the Court are being conducted through Video
Conferencing and the Advocates joined the proceedings through Video
Conferencing from their residence.)**

Date : 24-06-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

1. That this writ application is being filed in the shape of Public
Interest Litigation on behalf of the petitioner seeking the following
reliefs:-
 - i) To issue and appropriate writ, order or direction
commanding the respondent authority to enquire in to the
irregularities illegalities committed in misappropriation of

public money in paying remuneration to the Respondent no.6 without working on the post of Anganbari Sahayika of Anganbari Centre no.77, Harijan Tola of village Kumarpur Panchayat Teliya Pahar and not only that rather respondent no.6 has been appointed ignoring the guidelines issued by the Govt. of Bihar for selection on Anganbari Sevika and Sahayika.

- ii) To issue an appropriate writ order or direction for taking appropriate action against those who allowed the misappropriation of Govt. funds by paying the remuneration to the private Respondent no.6 without doing the work of Anganbari Sahayika.
- iii) To issue direction to respondent authority to take appropriate action by considering the representation filed by petitioner in this regard.
- iv) To pass appropriate writ or direction(s) which your lordships may deem fit and proper.

Petitioner has filed this writ petition in the nature of PIL against the appointment of respondent no.6 on the post of Anganbari Sahayika at Anganbari Centre No. 77, Harijan Tola of Kumarpur Panchayat Teliya Pahar being in violation of guidelines issued by the State of Bihar and she has been illegally paid salary for said post.

The appointment and conditions of service of Anganbari Sahayika has been laid down in the guidelines issued

by the State Government in which provision has been made for their selection as well as removal by appointing authority, if any complaint is made against her appointment, as such, present petition is not maintainable being dispute in respect of service matter and is, accordingly, dismissed.

However, it shall always be open for the petitioner to take recourse to such other remedies which are otherwise available to him in law.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	