

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3176 of 2020

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1. Kumari Shanti W/o Narendra Ram, Resident of Village- Subhan Pur, P.O.- Parsa Patii, P.s.- Sahebganj, District- Muzaffarpur
 2. Radhika Devi W/o Vinod Sah, Resident of Village- Khemkarna, P.O.- Hussepur, P.s.- Sahebganj, District- Muzaffarpur
 3. Rekha Kumari @ Rekha Devi W/o Nawal Kishore Sah, Resident of Village- Khem Karna, P.s.- Sahebganj, District- Muzaffarpur
 4. Soni Kumari W/o Tun Tun Das Resident of Village- Bhathandi, P.O.- Ahiya Pur, P.s.- Sahebganj, District- Muzaffarpur
 5. Anju Kumari @ Anju Devi W/o Bachcha Ray Resident of Village and P.O.- Bishun Pur Patti, P.s.- Sahebganj, District- Muzaffarpur
 6. Gita Kumari @ Gita Devi W/o Ganesh Thakur, Resident of Village- Bansghat, P.s.- Baruraj, District- Muzaffarpur
 7. Savita Kumari @ Savita Devi W/o Raj Kumar Choudhary Resident of Village- Bariyar Pur, P.s.- Motipur, District- Muzaffarpur
 8. Mina Devi W/o Rakesh Baitha, Resident of Village- Himmat Patti, P.O.- Karnoul, P.s.- Sahebganj, District- Muzaffarpur
 9. Kumud Chaudhary @ Kumud Baitha @ Kumud Devi W/o Mukesh Baitha, Resident of Village- Himmat Patti, P.O.- Karnaul, P.s.- Sahebganj, District- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Old Secretariat, Government of Bihar, Patna
2. The Principal Secretary, Human Resources Development, Govt. of Bihar, Patna
3. The Director, Primary Education, Govt. of Bihar, Patna
4. The District Magistrate, Muzaffarpur
5. The District Education Officer, Muzaffarpur
6. The District Programme Officer, Muzaffarpur
7. The Block Development Officer, Block- Sahebganj, District- Muzaffarpur
8. The Block Development Officer, Block- Motipur, District- Muzaffarpur
9. The Block Education Officer, Sahebganj, District- Muzaffarpur
10. The Block Education Officer, Motipur, District- Muzaffarpur

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rakesh Ranjan, Adv.
For the State	:	Mr. Kameshwar Kumar (GP-17)



CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 07-12-2023 Heard learned counsel for the petitioners and learned counsel for the State.

2. Learned counsel for the petitioners fairly submits that the present writ petition has been filed for quashing of the letter No. 4786 dated 19.09.2012 annexed as Annexure- 3 issued by the Bihar Education Project Council, through its Director by which it has been intimated to all the District Education Officers of the State that with effect from 01.01.2012 the Balwarg Centres could not be run nor any Balwarg Didis/ASRGS could be functional with effect from the same date and it is further directed that children in the Balwarg Centres could be placed in the Anganbari Centres. The further prayer has been made by the counsel for the petitioners to direct the respondents to regularize the service of all Balwarg Didis/ASRGS in the various centres of the State in the regular service and directed to allow the petitioner's work as Balwarg Didis at the Balwarg Centres. Further prayer has also been made to adjust all the Balwarg Didis in different schools in the district of Banka as Primary Teacher or Anganbari Sevikas or on equivalent post in the school.

3. Learned counsel for the State submits that the said



letter has been issued by the Joint Secretary, Human Resources Development Department, Union of India by which it has been decided that in those State where Anganbari Centres are running, Balwarg Didis and Balwarg Centres shall not run. Counsel also submits that in the State of Bihar, Anganbari Centres are running to take care of children and therefore, the Balwarg Centres are of no use and it is due to this reason, the letter has been issued by the State Project Director in this matter which is annexed as Annexure-3 to which the counsel for petitioners want to set aside.

4. After going through the pleadings and arguments of the parties, this Court is of the opinion that since it is a policy matter of the Government to run or not to run a centre and the benefits granted to the petitioners was only by virtue of project basis and when the project has come to an end, then in that case no benefit could be provided. This Court is of the firm opinion that the Government has taken a policy not to continue the Balwarg Centres as Anganbari Centres, then in that case, it shall not be proper for this Court to pass any order from merit of the case.

5. However, it is made clear that liberty shall be on the State to take services of those persons as like that of



petitioners who have certain experience of work as Balwarg
Didis to utilize or not to utilize, but when utilize, then definitely
the petitioners shall be entitled for payment.

6. With the above observations and directions, this
writ petition is hereby disposed of.

(Dr. Anshuman, J.)

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