IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21854 of 2013

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Kamni Kumari W/O Sri Vinod Kumar Sharma Resident Of Sakri Gali Gowal Toli, Shershah Road, Alamganj, P.S- Alamganj, P.O- Gulzarbagh, District- Patna.

... ... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Patna.
3. The Deputy Director, Welfare, Patna Division, Patna.
4. The District Programme Officer I.C.D.S, Vikas Bhawan, Patna.
5. The Child Development Project Officer, Patna Sadar- 4, Patna.

... ... Respondent/s

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Appearance :

For the Petitioner/s : Mr. S.N. Yadav, Adv.

For the State : Mr. Deepak Kumar, A.C. to G.P-4

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL JUDGMENT

Date : 07-02-2023

1. In this writ petition grievance raised is relating to appointment of Anganwari Worker.

2.In **CWJC No. 21963 of 2014** decided on **12.12.2022 (Reena Kumari Vs. State of Bihar & Ors.,)** this Court has held that the post of Anganwari Worker does not fall within the purview of State or Subordinate Services. The post of Anganwari Worker is under a scheme introduced by Govt. of India and respective State Govts. and regulated by guidelines which are non-statutory and therefore not enforceable in law. The appointment is on honorarium basis and no statutory procedure has been laid down.

3. Of course, under the guidelines, grievance against appointment of Anganwari Worker can be raised before the Collector

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of concerned District with a further revision to the Commissioner.

4. Even the orders passed by the Collector or the Commissioner would not be a subject matter of judicial review as the power being exercised by them relating to a dispute of Anganwari Worker is under guidelines and they do not act as a statutory authority while deciding such dispute. In view thereof, the writ petition would not be maintainable even against the orders of the Collector or the Commissioner.

5. Leaving it open to the respective writ petition to avail any of the aforesaid remedies, if they have not so availed, the writ petition is held to be not maintainable.

6. Accordingly, this writ petition is dismissed with the aforesaid liberty.

7. If an appeal/revision is filed, the same shall be decided expeditiously within a period of six months and the question of limitation will not arise.

(Sanjeev Prakash Sharma, J)

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