

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7246 of 2016

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Smt. Bholi Yadav wife of Mahendra Kumar Yadav, resident of Village-
Nirmali, Panchayat Ghuran, P.S.District- Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Social Welfare, Government of Bihar, Patna.
2. The Principal Secretary, Department of Social Welfare, Government of Bihar, Patna.
3. The Director, Integrated Child Development Scheme I.C.D.S., Bihar, Patna.
4. The Commissioner, Koshi Division, Saharsa.
5. The District Magistrate, Supaul.
6. The Additional Collector, Disaster Management, Supaul.
7. The District Programme Officer, Supaul.
8. The Child Development Project Officer, Pipra, District- Supaul.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Amrit Abhijat, Adv.
For the Respondent/s : Mr.A.K.Keshari, AAG-11

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 12-10-2023

1. The present writ petition has been filed seeking the following relief(s) :-

“1.A) To issue a writ in the nature of Certiorari setting aside the order dated 19.09.2013 contained in Memo No. 1447 dated 27.09.2013 passed in Case No. 195/2013 (Annexure-9) by which previous order dated 30.03.2012 passed by the District Programme Officer, Supaul was affirmed and also Appellate order dated 17.03.2015 (Annexure-11) passed by the



Deputy Director Welfare, Supaul in Anganbari Appeal No.153/2014 affirming the said order. The previous orders of both the authorities were set-aside by this Hon'ble Court in C.W.J.C. No. 3377/2013 dated 21.02.2013 (Annexure-8) and in light of this order after following the decision of Hon'ble Apex Court in Siemens Engineer & Manufacturing Co. of India Ltd. Vs Union of India and another, reported in AIR 1976 SC 1785.

B) To issue a writ in the nature of Mandamus commanding/directing the Respondents to take the petitioner back in service w.e.f. 30.03.2012, the day on which she was disengaged from her engagement.”

2. At this juncture, this Court would refer to a judgment rendered by the learned Division Bench of this Court in the case of ***Babita Kumari v. The State of Bihar and others***, reported in ***2016 SCC Online Pat 9434***, paragraphs no. 7 and 8 whereof are reproduced herein below:-

“7. Having considered the rival contentions, we do not find any merit in the present appeal. The charges against the appellant were very clear as would be apparent from the show cause dated 22.02.2012, which was issued in light of the findings in the enquiry report as well as the



relevant documents/registers which were required to be maintained at the Centre. Reply given by the appellant, copy of which has been brought on record, does not indicate any justification and rather it has been stated that on 24.09.2011 at the time of Inspection, the children were still coming and on 07.10.2011, she herself had gone to call the children and during that time the inspection was held. It was further stated by the appellant that on 30.09.2011 she had become ill due to being drenched by rain. We find that such explanation is vague and evasive and does not inspire confidence. The spirit and object of running Anganbadi Centres cannot be overemphasized and the purpose is to ensure the welfare of children from the lowermost and deprived strata of society. Any lapse in execution of the said scheme has to be taken very seriously. Closure of even one day entails the beneficiaries going without their meals, which cannot be overlooked. Thus, we do not find any infirmity in the decision of the authorities cancelling her selection as well as the procedure adopted by them prior to passing such order.

8. For the reasons aforesaid, the Letters Patent Appeal, being devoid of merit, stands dismissed.”



3. It would be apt to refer to yet another judgment rendered by the learned Division Bench of this Court in the case of ***Neetu Kumari v. The State of Bihar and others***, reported in ***2011 (4) PLJR 20***, paragraphs no. 4 and 5 whereof are reproduced herein below:-

“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 of 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.”

4. Considering the law laid down by the learned Division Bench of this Court, as aforesaid, the learned counsel for the petitioner seeks not to press the present writ petition, however, seeks liberty on behalf of the petitioner to avail such



other alternative remedies as are otherwise available under the law. Liberty, so sought, is granted.

5. The writ petition stands dismissed as not pressed.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.10.2023
Transmission Date	NA

