

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7291 of 2016

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Sunita Kumari Wife of Ajay Kumar Resident of Village-Bodarahi, Panchayat-Harari, P.S.-Marauna, District-Supaul

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Supaul
3. The District Programme Officer, Supaul
4. The Child Development Project Officer, Marauna
5. Babita Kumari Wife of Rajdhar Bharati Resident of Village-Pachabhinda, P.O.-Khorama, P.S.-Marauna, District-Supaul

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Nagendra Kumar Singh, Adv.
For the Respondent/s : Smt.Binita Singh, SC-28
Mr. Kumar Komal Nayan, AC to SC-28

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 13-10-2023 The present writ petition has been filed seeking the following reliefs:-

“1(i). For the issuance of an appropriate writ quashing the order dated 26.03.2016 of the learned Collector Cum District Magistrate, Supaul, passed in Aganwari Appeal Case 207/2014 32/2015 Kumari & others), Annexure- by which and whereunder the learned District Magistrate, Supaul, without appreciating and considering the enquiry report of the Sub Divisional Officer, Nirmali, dated 05. 03. 2016, contained in letter No. 637-2 Annexure - 11, conducted in Compliance of the order of the District Magistrate-cum-District Collector, Supaul and without considering order of



District Programme Officer, Supaul, dated 19. 06. 2014 passed in Case No. 1/2013, Annexure - 6, set aside the order of the learned District Programme Officer 1. C. D. S. Supaul, contained in Memo No. 1391/ Pro, dated 19. 06. 2014 by which the learned District Programme Officer allowed the Aganwari Appeal filed by the petitioner.

(ii) For further direction to the respondents to allow the petitioner to continue on the post of Aganwari Sevika at Aganwari Code Centre No. 85, Mussahari Tola, Bodrahi Ward No. 2..”

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 disposed off as not pressed.

(Mohit Kumar Shah, J)

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