

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9958 of 2016

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Sarswati Devi W/o Shri Binod Kumar Yadav Resident of Village- Devi Nagar,
P.O.- Jageli, P.S.- K. Nagar, District- Purnea.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Social Welfare, Govt. of Bihar, Patna
2. The Principal Secretary, Department of Social Welfare, Govt. of Bihar, Patna
3. The Director, Integrated Child Development Scheme, Indira Bhawan, East Boring Canal Road, Patna.
4. The Divisional Commissioner, Purnia Division, Purnia
5. The Collector, Purnea
6. The District Programme Officer, Purnea
7. The Child Development Project Officer, K. Nagar, Purnea
8. Sukur Muni Kumari @ Sukur Muni Devi W/o Shri Jitu Murmur, Resident of Devi Mochraha, P.S.- K. Nagar, District- Purnia

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad, Advocate
For the Respondent/s : Mr.Bipin Kumar, A.C. to S.C.-3

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 14-12-2023 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

2. Learned counsel for the petitioner outrightly submits that this writ petition may be disposed of with liberty to the petitioner to move before the appropriate forum in accordance with the law as this case is not maintainable in view of the paragraph no. 4 of the judgment of Division Bench of this Court rendered in the case of *Neetu Kumari Vs. State of Bihar and Others* reported in *2011 (4) PLJR 20* which reads as



follows:-

“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 for honorarium, we are not 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.”

3. Accordingly, this writ petition is disposed of with the liberty to the petitioner to move before the appropriate forum in accordance with the law.

(Rajesh Kumar Verma, J)

Nitesh/-

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