

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.9912 of 2015**

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Smti. Malti Kumari wife of Sri Bijendra Prasad Resident of village-  
Daulatpur Milki, Police Station- Chandi, Parkhand- Chandi, District-  
Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Officer, Nalanda at Bihar Sharif, District-Nalanda.
2. The Director, INTEGRATED CHILD DEVELOPMENT SERVICE I.C.D.S. Social Welfare Department, Bihar, New Secretariat Building, Patna-800014
3. The District Officer, Nalanda, Collectorate Building at Bihar Sharif, District-Nalanda, PIN Code-803101
4. The Commissioner, Patna Division, Patna.
5. The District Programme Officer, Nalanda Zila Programme Shakha, Nalanda Collectorate, Bihar Sharif,
6. The Child Development Project Officer C.D.P.O., Chandi, Nalanda.
7. The Lady Supervisor, Daulatpur Milki, Aganbari Centre, Code 70, Parkhand- Chandi, Nalanda.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Raj Nandan Prasad Singh, Adv.  
For the Respondent/s : Mr.Ritesh Kumar,SC-33

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL JUDGMENT**

**Date : 18-08-2023**

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

*“1.That this petition is being filed on behalf of the petitioner for issuance of a writ, pursuant to giving a direction to the Respondents concerned to reinstate the petitioner's service of her Anganbari Sevika after quashing the orders contained in Annexures-11 and 14 to the writ petition by*



*which petitioner's written representation dated 6.4.2013 under compliance of the Hon'ble High Court's order dated 8.3.2013 passed in C.W.J.C. No.4122 of 2013 pertaining to taking DECISION afresh and passing a REASONED Order after taking into consideration the Show Cause Reply to the petitioner, has malafidely and unreasonably been denied with effect from 29.5.2013 on the untowardliness act of the District Programme Officer Nalanda, as well as also deliberately manner REFUSAL and stubbornly DENIAL to be entertained the Petitioner's Misc. (Aganwari Appeal No.19 of 2015 on the coercive and taking biased step on the part of the District Officer/Collector, Nalanda by going beyond the opined Substance towards passing the order dated 15.1.2015 "Especially when the order in question is appealable before the Collector" in the M.J.C. No.3920 of 2013 by the Hon'ble High Court, and such the refracted DENIAL recorded by Pen and Pleasure of the Collector showing as "Appeal to be filed before Competent Court," is bad and quite untenable, vulnerable and without thought at all, under Conformity With Law and as such, the same are being the assailable and fit to be demolished and vitiated itself under Law."*



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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