

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5575 of 2022

=====

Chanda Devi Wife of Anjan Kumar Rai Resident of Village-Pitaujhia, P.S. Mahindwara, District-Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secreary, Social Welfare department, Government of Bihar, Patna.
2. The Director, Integrated Child Development Scheme (I.C.D.S.) Bihar, Patna.
3. The The Commissioner Tirhut Division, Muzaffarpur.
4. The Collector, Sitamarhi
5. The District Programme Officer, Sitamarhi, District-Sitamarhi.
6. The Child Development Programme Officer, Block Runisaidpur, District-Sitamarhi
7. The Female Supervisor, Child Development Programme Officer, Block Runisaidpur, District-Sitamarhi
8. Manisha Kumari Wife of Lal Babu Baitha, Resident of Village-Govind Pitaujhia, P.S. Runishaidpur, District-Sitamarhi.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Akhilesh Kumar, Adv.
For the Respondent/s : Mr.Prasant Pratap (Gp2)

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 29-11-2023

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

"(i). That the instant writ application is being filed for issuance of appropriate writ/writs, order/orders, direction/directions for setting aside the order dated 17.12.2020 (Annexure-9) passed by the learned Collector, Sitamarhi in Anganwadi Appeal Case No. 47/2018 whereby and whereunder the learned Collector dismissed the



aforesaid appeal filed by the petitioner and affirmed the order dated 23.6.2018 (Annexure-8) passed by the respondent no. 5 the District Programme Officer, Sitamarhi in Anganwadi Appeal Case No. 55/2017 by which the respondent no. 5 the District Programme Officer terminated the selection of the petitioner and further instructed the Respondent No. 6 Child Development Programme Officer, Runisaipur to complete the selection afresh accordance with law within 15 days after giving notice to all candidate. The petitioner further prays for any other relief (s) for which the petitioner is found entitled in the eye of law."

2. At this juncture, this Court would refer to a judgment rendered by a co-ordinate Bench of this Court in the case of ***Seema Kumari vs. The State of Bihar and others***, reported in ***(2015) SCC Online Pat 7267***, paragraphs no. 9 to 11 whereof, are reproduced herein below:-

"9. As noted above, the Anganbari Sevika is not a government servant and has no protection under Article 311(2) of the Constitution of India so as to envisage the concept of regular departmental proceeding. The petitioner was given a notice. She was informed about the allegation against her. She had filed her show-cause reply which was considered by the



District Programme officer and when the order went against her, she had also been given adequate opportunity by the appellate authority who, in fact, had himself got the matter verified by referring the matter to the Bihar Sanskrit Board.

10. In that view of the matter, this Court would not find any error in the impugned order of termination of the services of the petitioner when it is found that the petitioner had got appointment by producing a document in support of qualification which was found to be incorrect/forged.

11. Thus for the reasons indicated above, this application must fail and is, accordingly, 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 aforesaid aspect of the matter, 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.

(Mohit Kumar Shah, J)

Ajay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.11.2023
Transmission Date	NA

