

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.5521 of 2022**

Meena Rani Wife of Shri Jay Krishna Ram Resident of Ward No.17, Village  
and Gram Panchayat- Gwalpara, P.S.- Chhatapur, District- Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Social Welfare, Government of Bihar.
2. The Director, I.C.D.S., Bihar, Patna.
3. The Commissioner, Koshi Division, Saharsa.
4. The District Magistrate cum District Officer, Supaul.
5. The District Programme Officer (I.C.D.S.), Supaul.
6. The Child Development Project Officer (C.D.P.O.), Chhatapur, District- Supaul.
7. Selection Committee of Anganbari through its Secretary cum Female Superior.
8. Ward Member of Ward No.17, Gwalpara cum Chairman of Selection Committee of Anganbari Sevika for Ward No.17, Gram Panchayat, Gwalpara.
9. Smt. Nitu Kumari Wife of Sh. Pavan Kumar Resident of Ward No.9, Village and G.P.- Gwalpara, P.S.- Chhatapur, District- Supaul.

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr.Amrit Abhijat, Advocate  
For the Respondent/s : Mrs.Kumari Amrita (GP- 3)

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

2      29-11-2023                      The present writ petition has been filed  
seeking the following reliefs:-

*"1. A) To issue a writ in the nature of  
Certiorari setting aside the order dated  
13.11.2018 passed in Aganbari Appeal  
Case No. 03/2018 preferred by  
Respondent No. 9 Smt. Nitu Kumari  
wherein Respondent No. 7 (Selection  
Committee) the District Officer, Supaul*



*was pleased to allow the appeal of private respondent inspite of fact that she was on 3rd place of merit list with only 39.06% whereas petitioner was the top of the merit list with 61.14%.*

*B) To issue a writ in nature of Mandamus commanding/directing the respondent to select the petitioner against the post of Anganbari Sevika in Centre no. 285, Ward No. 7 Gram Panchayat, Gwalpara as she is at the top of merit list."*

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)**

S.Sb/-

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