

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5757 of 2022

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Rubi Kumari W/o Kumud Mandal Resident of Village- Madansahi, Ward No.9, P.S.- Pranpur, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Bihar, Patna.
2. The Director, Integrated Child Development Society, Patna, Bihar.
3. The Divisional Commissioner, Purnea.
4. The District Magistrate, Katihar.
5. The District Programme Officer, Katihar.
6. The Child Development Project Officer, Pranpur, Katihar.
7. Poonam Kumari D/o Madan Lal Mandal Resident of Village- Madansahi, Ward No.9, P.O.- Maina Nagar, P.S.- Pranpur, District- Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Bhola Prasad, Advocate
For the State	:	Mr.S.K.Mandal (SC-3)
		Mr. Arjun Prasad, AC to SC-3

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-11-2023 1. The present writ petition has been filed seeking the following reliefs:-

"(i) For quashing the order dated 15.02.2022 passed by the Divisional Commissioner, Purnea in Aaganbari Revision Case No.34/2020 whereby the revision preferred by the petitioner has been dismissed and order passed by the District Programme Officer dated 27.02.2020 cancelling the selection of the



petitioner was affirmed.

(ii) For quashing the order dated 27.02.2020 passed by the District Programme Officer, Katihar in Misc. Aaganbari Appeal No. 13/2019 whereby the selection of the petitioner as Aaganbari Sevika of Centre No.4, Pranpur has been cancelled on the ground that the certificate of Jharkhand Academic Board is not a recognized institution and further directed to appoint Poonam Kumari (Respondent No 7) after examining her document."

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)

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