

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19938 of 2014

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Sulekha Kumari wife of Sri Rajesh Kumar resident of village Mohan Bigha
Ward No. 2 P.O. Baina, Anchal and P.S. Kako, District Jehanabad

... .. Petitioner/s

Versus

1. The State of Bihar Social Welfare Department, Bihar, Patna
2. The Director, Integrated Child Development Project Scheme, Patna
3. Deputy Director, Welfare, Magadh Division, Gaya
4. District Magistrate, Jehanabad
5. District Programme Officer, Jehanabad
6. Child Development Project Officer, Kako, District Jehanabad
7. Smt. Rina Kumari wife of Sri Santosh Kumar resident of village Mohan Bigha, P.O. Baina Anchal and P.S. Kako, District Jehanabad

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Sinha, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT
Date : 09-08-2023

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

"1. That the instant writ petition is being filed for issuance of an appropriate writ/writs, order/orders, direction/ directions specially writ in the nature of Certiorari for quashing the order dated 26.9.2014 passed by Deputy Director Welfare, Magadh Division, Gaya in Anganwari Appeal Case No. 47 Ka'/2014 (Rina Kumari



Vs. Sulekha Kumari and others) whereby and whereunder the selection of the petitioner on the post of Anganwari Sevika of village Mohan Bigha (Ward no.2), Jehanabad has been terminated by setting aside the order dated 6.1.2014 passed by District Programme Officer, Jehanabad in Misc. Case No. 01/14 and in her place Rina Kumari, respondent no. 7 has been directed to be selected on the post of Sevika which is absolutely erroneous and bad in 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)

S.Sb/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	11.08.2023
Transmission Date	N/A

