

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14183 of 2015

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Hena Kaisher Wife of Kasim, Resident of Gidhauna, P.O. - Champapur
Koraiya, P.S. - Ghorasahan, District - East Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The District Programme Officer, East Champaran at Motihari.
3. The Block Development Officer, Ghorasahan, District - East Champaran.
4. The Child Development Project Officer, Ghorasahan, District - East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Tondon
For the Respondent/s : Mr. Raghwanand, GA-11

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 08-02-2023 Heard learned counsel for the parties concerned.

The petitioner has approached this Court for a direction to the respondents to appoint her on the post of Anganbari Sevika at Centre No. 98, Ward No. 5 Baghi Bhelwa Panchayat, Ghorasahan, East Champaran.

A Division Bench of this Court, in the case of **Neetu Kumari vs. The State of Bihar and Others**, reported in (2011) 4 PLJR 20, has held in paragraph nos. 4 and 5 as follows:-

“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 for



honorarium, we are of the view that in case the appellant still feels aggrieved, she may approach the Civil court for damages.

5. 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”.

Further, a Single Bench of this Court, *vide* order dated 04.01.2023, passed in CWJC No. 14727 of 2013 (Suhana Khatoon vs. The State of Bihar and others) has held that “*the post of Anganwari Worker is not a cadre post and the same is governed by guidelines issued in that respect. It is not a post under the State services and a writ petition therefore would not be maintainable with regard to the same*”.

In view of the above, this writ application is not maintainable and the same is, accordingly, dismissed.

(Anil Kumar Sinha, J)

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