

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21064 of 2014

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Musarrat Jahan Wife of Md. Minhaj Alam Resident of Village- Shikarpur,
Police Station- Kadwa Balia Belone, District- Katihar.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Divisional Commissioner, Purnea.
3. The District Magistrate, Katihar.
4. The District Programme Officer, Katihar.
5. The Child Development Project Officer, Kadwa Block, District- Katihar.
6. The Mukhiya Gram Panchayat Raj, Block- Kadwa, P.S.- Kadwa Balia Belone, District- Katihar.
7. Shabnam Sahil Wife of Md. Shahnawaz Alam Resident of Village- Shikarpur, Police Station- Kadwa Balia Belone, District- Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Najeeb Ahmad
For the Respondent/s : Mr. Suresh Prasad Shah @ Baranwal

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 01-02-2023 Heard learned counsel for the parties concerned.

The petitioner has approached this Court for a direction to modify the order dated 10.07.2013 passed in Misc. Appeal No. 77 of 2012 passed by the Divisional Commissioner, Purnea, and also to quash the order dated 09.02.2012 passed by the District Magistrate, Katihar in Abhilekh No. 03 of 2010-2011, whereby the District Magistrate, Katihar has directed the Respondent Nos. 4 and 5 to take fresh steps for selection of Anganbari Sevika of Anganbari Centre No. 71, Shikarpur Gram Panchayat.



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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