

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15044 of 2015

Nilam Mourya W/o Damodar Mehta, D/o Ganesh Mandal R/o Village Dumri Thari, P.O. Maniyarpur, P.S. Bounsi, District Banka. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Social Welfare Department, Govt. of Bihar, Patna.
2. The Principle Secretary, Social Welfare Department, Govt. of Bihar, Patna.
3. The Director, Social Welfare Department, Govt. of Bihar, Patna.
4. The District Magistrate, Banka, District Banka.
5. The District Programme Officer, Banka, District Banka.
6. The Child Development Project Officer, Bounsi, District Banka.
7. Sushma Kumari W/o Dilip Kumar Mahto R/o Village Dumri Thari, P.O. Maniyarpur, P.S. Bounsi, District Banka.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Adv.
For the Respondent/s : Smt. Binita Singh- Gp31

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA
ORAL JUDGMENT

Date : 30-01-2023

1. In this writ petition grievance raised is relating to appointment of Anganwari Worker.

2. In CWJC No. 21963 of 2014 decided on 12.12.2022 (Reena Kumari Vs. State of Bihar & Ors.,) this Court has held that the post of Anganwari Worker does not fall within the purview of State or Subordinate Services. The post of Anganwari Worker is under a scheme introduced by Govt. of India and respective State Govts. and regulated by guidelines which are non-statutory and therefore not enforceable in law. The appointment is on honorarium basis and no statutory procedure has been laid down.

3. Of course, under the guidelines, grievance against



appointment of Anganwari Worker can be raised before the Collector of concerned district with a further revision to the Commissioner.

4. Even the orders passed by the Collector or the Commissioner would not be a subject matter of judicial review as the power being exercised by them relating to a dispute of Anganwari Worker is under guidelines and they do not act as a statutory authority while deciding such dispute. In view thereof, the writ petition would not be maintainable even against the orders of the Collector or the Commissioner.

5. Leaving it open to the respective writ petition to avail any of the aforesaid remedies, if they have not so availed, the writ petition is held to be not maintainable.

6. Accordingly, this writ petition is dismissed with the aforesaid liberty.

7. If an appeal/revision is filed, the same shall be decided expeditiously within a period of six months and the question of limitation will not arise.

(Sanjeev Prakash Sharma, J)

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Item no.42

AFR/NAFR	NAFR
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Uploading Date	
Transmission Date	

