

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14909 of 2015

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Jyoti Devi wife of Santu Kumar resident of village - Khajuri Mathiya, Ward
No. 08, Police Station - Konch, District – Gaya Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Deputy Director, Welfare, Magadh Division, Gaya.
3. The District Magistrate, Gaya.
4. The District Programme Officer, District - Gaya.
5. The Block Development Officer, Konch, District - Gaya.
6. The Child Development Project Officer, Konch, District - Gaya.
7. Bindu Kumari wife of Santosh Kumar resident of Village - Khajuri Mathiya,
Police Station - Konch, District - Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2
For the Respondent/s : Mr. Sadanand Paswan, GP-29

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 08-02-2023 Heard learned counsel for the parties concerned.

The petitioner has filed this writ application against the order dated 09.07.2015 in Anganwari Appeal No. 17 of 2015 filed by respondent no. 7 and Appeal No. 20 of 2015 filed by the petitioner, passed by the Deputy Director, Welfare, Magadh Division, Gaya, whereby the appeal of the respondent no. 7 has been allowed and appeal of the petitioner has been rejected for appointment on the post of Anganbari Sevika at Anganbari Centre No. 163, Kajuri Matiya, Ward No. 8, Konch, Gaya.

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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