

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12239 of 2013

Ramawati Devi Wife Of Shambhu Sah Resident Of Village - Chainpur Tola
Batardeh, P.O. - Barauli, P.S. - Barauli, District - Gopalganj
... .. Petitioner/s

Versus

1. The State Of Bihar
 2. The Commissioner, Saran At Chapra
 3. The Collector, Gopalganj
 4. The Director International Child Development Project, Bihar, Patna
 5. The Deputy Development Commissioner, Gopalganj
 6. The District Welfare Officer, Gopalganj
 7. The Child Development Project Officer, Barauli, Gopalganj
- Respondent/s

Appearance :

For the Petitioner/s : Mr. Ved Prakash Srivastva
For the Respondent/s : Mr. Rajendra Singh, GA-10
Mr. Jitendra Kumar, AC to GA-10

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 08-02-2023 Heard the parties.

The petitioner has approached this Court for quashing of order dated 29.08.2012 passed in Anganwari Appeal No. 150/2011 by the Commissioner, Saran Division, and order dated 06.08.2011 passed in Miscellaneous Anganwari Appeal No. 121/2007 by learned Collector, Gopalganj as well as order dated 18.02.2006 passed by the Child Development Project Officer, Barauli, Gopalganj through which service of the petitioner has been terminated from the post of Angabari Sewika of Batardeh Chainpur Centre under Gram Panchayat Raj, Batardeh, P.O. Barauli, PS-Barauli, Distt-Gopalganj.

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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