

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6961 of 2022

Chanchal Devi W/o- Jayram Prasad, resident of Village- Panchfedava, Post-
Dalupur, Panchayat- Harnathpur, Block and P.S.- Bramhapur, Dist- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Social Welfare Department, Govt. of Bihar, Patna.
3. The Director, ICDS, Patna.
4. District Magistrate, Dist- Buxar
5. The District Programme Officer (Establishment), Dist- Buxar
6. The Child Development Project Officer, Block- Bramhapur, Dist- Buxar.
7. Pushpa Sharma resident of Village- Panchfedava, Post- Dalupur, Panchayat- Harnathpur, Block- Bramhapur, Dist- Buxar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Bijay Shankar Choubey, Advocate
For the Respondent/s : Smt. Kumari Amrita (Gp3)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 12-12-2023

1. The present writ petition has been filed seeking the following relief(s):-

"1(i) For the issuance of appropriate Writ/ Writs, Order/Orders, Direction/ Directions in the nature of Writ of Certiorari for setting aside the order dated 25.3.2022 containing memo no 476 passed by the District Programme Officer, Buxar, whereby and whereunder the selection and appointment of the petitioner on the post of Aanganbari sevika on center no 191 in ward no -13, Panchayat-



Harnathpur, Block- Bramhapur, Dist-Buxar been cancelled on the ground that the petitioner is not resident of ward no 13 and thus she is out of Poshak area as alleged by the private respondent in her complaint.

(ii) For issuance of Writ of mandamus directing and commanding the respondent authorities to not disturb the selection of the petitioner and to reinstate her on her post with all consequential benefits attached to that post."

2. At this juncture, this Court would refer to a judgment rendered by a co-ordinate Bench of this Court in the case of ***Seema Kumari vs. The State of Bihar and others***, reported in ***(2015) SCC Online Pat 7267***, paragraphs no. 9 to 11 whereof, are reproduced herein below:-

"9. As noted above, the Anganbari Sevika is not a government servant and has no protection under Article 311(2) of the Constitution of India so as to envisage the concept of regular departmental proceeding. The petitioner was given a notice. She was informed about the allegation against her. She had filed her show-cause reply which was considered by the District Programme officer and when the order went against her, she had also been given adequate opportunity by the appellate authority who, in fact, had himself got the matter verified



by referring the matter to the Bihar Sanskrit Board.

10. In that view of the matter, this Court would not find any error in the impugned order of termination of the services of the petitioner when it is found that the petitioner had got appointment by producing a document in support of qualification which was found to be incorrect/forged.

11. Thus for the reasons indicated above, this application must fail and is, accordingly, dismissed.”

3. It would be apt to refer to yet another judgment rendered by the learned Division Bench of this Court in the case of ***Neetu Kumari v. The State of Bihar and others***, reported in ***2011 (4) PLJR 20***, paragraphs no. 4 and 5 whereof are reproduced herein below:-

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

5. The appeal is dismissed.”

4. Considering the law laid down by the learned Division Bench of this Court, as aforesaid, the learned counsel for the petitioner seeks not to press the present writ petition, however, seeks liberty on behalf of the petitioner to avail such other alternative remedies as are otherwise available under the law. Liberty, so sought, is granted.

5. The writ petition stands disposed off as not pressed.

(Mohit Kumar Shah, J)

Saurav/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.12.2023
Transmission Date	NA

