

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6727 of 2022

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Renu Kumari @ Renu Devi, Wife of Jwala Kumar, Resident of Village-Rani Khaira, P.S.-Minapur, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Government of Bihar, Patna.
2. The District Magistrate, Muzaffarpur.
3. The District Programme Officer, Muzaffarpur.
4. The Child Development Programme Officer, Minapur.
5. The Block Development Officer, Minapur.
6. Asha Kumari, Wife of Rajesh Kumar, Resident of Village-Rani Khaira, P.S.-Minapur, District-Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Nachiketa Jha, Advocate
For the Respondent/s : Mr.Md. Raisul Haque (SC- 10)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 06-12-2023 The present writ petition has been filed
seeking the following reliefs:-

"1. (i) For issuance of an order or orders, direction/directions, writ, including writ in the nature of Mandamus for directing the Respondents concerned to include her name in Anganwari mini Centre No:- 496 which has been created from Anganwari Centre No:-243, in ward No:-12 under Gram Panchyat Raj Rani Khaira @ Banua, at Minapur Block in Muzaffarpur District.



(ii) For issuance of an order or order, direction/directions, writ, including writ in the nature of Mandamus directing the Respondents concerned who deliberately included her name in the Anganwari Centre no 243 and ousted her name from the Angamwari mini centre No:-496"

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 aforesaid aspect of the matter, 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 dismissed.

(Mohit Kumar Shah, J)

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