

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13199 of 2013

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Renu Kumari Wife Of Sanjay Kumar Sinha Resident Of Village- Murhari,
P.S.- Harnaut, District- Nalanda

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Commissioner-Cum-Secretary, Department Of Social Welfare, Govt. Of Bihar, Patna
3. The Director I.C.D.S., Department Of Social Welfare, Govt. Of Bihar, Patna
4. The District Magistrate-Cum-Collector, Nalanda At Biharsharif
5. The District Welfare Officer, Nalanda At Biharsharif
6. The Sub-Divisional Officer, Nalanda At Biharsharif
7. The Child Development Project Officer, Harnaut, District- Nalanda

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar
For the Respondent/s : Mr. Abhay Shankar Jha

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

4 06-02-2023 Heard learned counsel for the parties concerned.

The petitioner has approached this Court for quashing of the order dated 07.12.2007 *vide* Memo No. 1769 passed by the Collector, Nalanda and order dated 07.03.2013/16.04.2013 passed in Misc. Appeal No. 255 of 2011 passed by the Commissioner, Patna, whereby the appointment of the petitioner on the post of Anganbari Sevika has been cancelled.



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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