

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16787 of 2015

Chinta Devi Wife of Laxman Yadav, resident of village- Beldari, P.O.- Mane,
P.S.- Daudpur, District- Saran at Chapra

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Women and Child Development Department, Govt. of Bihar, Patna
3. The Director, Integrated Child Development Scheme Scheme, Bihar, Patna
4. The Commissioner, Saran Division, Chapra
5. The District Magistrate, Saran at Chapra
6. The District Programme Officer, Saran at Chapra
7. The Child Development Project Officer, Manjhi, Saran

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Prashant Sinha, Adv.
For the Respondent/s : Mr.Satya Vrat, AC to GP-10

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 15-09-2023

The present writ petition has been filed seeking the following reliefs:-

“1(i). For issuance of writ in the nature of certiorari for quashing of order dated 17-01-2015, passed by the Commissioner, Saran Division, Chapra whereby he has rejected all the pending Anganwari appeals, including the Appeal No. 281/2012 filed by the Petitioner, without hearing the Petitioner on the ground of maintainability in view of a new Circular issued by the State Govt. on 17-05-2013 whereby it has been provided that the Anganwari



appeal is to be filed before the Deputy Director, Welfare instead of Commissioner.

(ii). For holding that the Petitioner rightly filed her appeal in the year 2012 before the Commissioner because in view of the existing provision, the Commissioner was empowered to hear the appeal against the order of the District Magistrate in Anganwari matter.

(iii) For holding that if the provision of law has changed after filing of the appeal by the Petitioner and a new Forum has been created for hearing of the appeal, the learned Commissioner should have referred all the appeals including the appeal of the Petitioner to the Deputy Director, Welfare but instead of referring the same, he rejected all the appeals as being not maintainable.

(iv) For issuance of writ in the nature of certiorari for quashing of the order dated 22-09-2012 passed by the District Magistrate, Saran at Chapra in Anganwari Appeal No. 04/2012 whereby the appeal preferred by the Petitioner against the order of her removal has been dismissed in a mechanical manner.

(v). For issuance of writ in the nature of certiorari for quashing of Memo No. 48Mu dated 22-02-2012 issued by the District Programme Officer whereby the Petitioner has been removed from the post of Anganwari Sahayika.

(vi). For a direction upon the respondent authorities to reinstate the petitioner as Anganwari



Sahayika along with all consequential benefits.”

2. At this juncture, this Court would refer to a judgment rendered by the learned Division Bench of this Court in the case of *Babita Kumari v. The State of Bihar and Others*, reported in 2016 SCC Online Pat 9434, paragraphs no. 7 and 8 whereof are reproduced herein below:-

“7. Having considered the rival contentions, we do not find any merit in the present appeal. The charges against the appellant were very clear as would be apparent from the show cause dated 22.02.2012, which was issued in light of the findings in the enquiry report as well as the relevant documents/registers which were required to be maintained at the Centre. Reply given by the appellant, copy of which has been brought on record, does not indicate any justification and rather it has been stated that on 24.09.2011 at the time of Inspection, the children were still coming and on 07.10.2011, she herself had gone to call the children and during that time the inspection was held. It was further stated by the appellant that on 30.09.2011 she had become ill due to being drenched by rain. We find that such explanation is vague and evasive and does not inspire confidence. The spirit and object of running Anganbadi Centres cannot be overemphasized and the purpose is to ensure the welfare of children from the lowermost



and deprived strata of society. Any lapse in execution of the said scheme has to be taken very seriously. Closure of even one day entails the beneficiaries going without their meals, which cannot be overlooked. Thus, we do not find any infirmity in the decision of the authorities cancelling her selection as well as the procedure adopted by them prior to passing such order.

8. For the reasons aforesaid, the Letters Patent Appeal, being devoid of merit, stands 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 dismissed as not pressed.

(Mohit Kumar Shah, J)

Ajay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.9.2023
Transmission Date	NA

