

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.18664 of 2015**

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Gita Devi @ Gita Sinha W/o Rajendra Singh R/o village- Kewali, P.s Ghosi,  
District Jehanabad.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principle Secretary-cum-Commissioner,  
Departmental of Social Welfare, Govt. of Bihar, Patna.
2. Deputy Director, Welfare Department , Magadh Pramandal Gaya.
3. The District magistrate cum Collector, Jehanabad.
4. The District Programme Officer, Jehanabad.
5. The Child Development Project officer, Ghosi, Jehanabad.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Prakash Chandra Agrawal, Advocate  
For the State : Mr.Yogendra Pd. Sinha, AAG-7

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL JUDGMENT**

**Date : 05-10-2023**

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

*"a) For issuance of a writ of  
certiorari for quashing of the order dt.  
28.1.2014 passed by respondent  
Deputy Director, Welfare, Magadh  
Pramandal, Gaya whereby the  
petitioner's termination from the post  
of Anganbari Sewika as effected by  
the respondent District Program  
Officer, Jehanabad vide an order dt.  
22.2.2013 has been confirmed  
without any application of mind to*



*the illegalities and other irregularities in the entire exercise apparent on the face of record;*

*(b) For issuance of a writ in the nature of certiorari for quashing of the order dt. 22.2.2013 passed by respondent District Program Officer, Jehanabad in case no. 15/2013 which was remanded back to the Respondent District Program Officer, Jehanabad vide an order passed in Case No. 19/D.M./2012 whereby the Learned Collector, Jehanabad had set aside the order of termination of the Petitioner from the post of Anganwadi Sevika, Anganewadi Centre No.41 dated 23.2.2012 passed by the District Program Officer, Jehanabad with a direction to pass a speaking order considering the merits of the case;*

*(c) For issuance of a writ in the nature of certiorari for quashing of the order of termination dated 23.2.2012 passed by the District Program Officer vide memo No. 262 whereby the petitioner has been terminated from the post of Anganbari Sewika for Anganbari*



*Centre No. 41 namely kewali, illegally and arbitrarily;*

*(d) For issuance of a writ of mandamus directing the Respondents to restore the petitioner to the post of Anganbari Sewika for Anganbari Center No. 41 namely Kewali;*

*(e) For a declaration that the entire exercise of inspection conducted by the respondents of the Anganbari Centre of the petitioner, issuance of show cause notice by the District Program Officer, the termination of the petitioner by the impugned order dt. 23.02.2012 passed by the respondent District Program Officer and the impugned Appellate order dt. 28.1.2014 passed by the respondent No.2 suffers from the illegality in the shape of violation of principles of natural justice as the inspecting team having inspected the center on 30.11.2011 and 24.1.2011 raised certain allegations against the petitioner and issued a show cause but without considering the reply given by the Petitioner and order passed by the Collector, Jehanabad in Case No. 19/12, without application*



*of mind proceeded to terminate the Petitioner which is a gross decision made by the Respondents;"*

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 disposed off as not pressed.

**(Mohit Kumar Shah, J)**

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