

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17841 of 2015

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Ruby Kumari Wife of SRi Abhay Shankar Prasad resident of village and P.O.
Dalmalpur, P.S. Amour Via Joki Hat District - Purnea

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Department of Social Welfare,
Government of Bihar, Indira Bhawan, Patna
2. The Director, Integrated Child Development Scheme, Indira Bhawan, Patna
3. The Commissioner Purnea Range Purnea
4. The District Magistrate, Purnea
5. The District Programme officer, Department of Integrated Child
Development Scheme, Purnea
6. The Deputy Director, Integrated Child Development Scheme, Purnea
7. The Child Development Project Officer, Amour, Purnea

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Md. Ziaul Quamar, Advocate
For the Respondent/s : Mr.GP 8- Manish Kumar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 21-09-2023

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

*“ (i) For quashing the order contained in Memo
No. 761 dated 04.08.2010 passed by the
respondent District Magistrate Purnea, after a
direction from the Hon'ble Justice Smt. Sheema
Ali Khan on 10.5.2010 in C.W.J.C. No.
12433/2010, with a direction to the petitioner to
appear before the District Magistrate, Purnea,
he will issue notice to C.D.P.O. who must have
recommended the termination of petitioner on*



the ground that petitioner had not distributed food grain undertake home Scheme said C.D.P.O, enquire the matter and submitted report to District Programme Officer Purnea, she found take home Ration distributed on 23.11.2003 in period of 9,30, 1.30 after said report District Magistrate Purnea again found no merit in this case.

(ii) For issuance of an appropriate writ in the nature of Mandamus Commanding the respondent authorities to reinstate the petitioner with all consequential benefits in the facts and circumstances of the case.

(iii) For declaration that the action of the respondent authorities is arbitrary in nature in the facts and circumstances of the case.”

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)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.09.2023
Transmission Date	NA

