

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17836 of 2013

Shaillo Devi Wife Of Sri Ram Narayan Dev Resident Of Village- Tikapatti,
Police Station- Ali Nagar, District- Darbhanga

... .. Petitioner/s

Versus

1. The State Of Bihar
2. District Magistrate, Darbhanga
3. District Programme Officer, Alinagar, Darbhanga
4. Child Development Officer, Alinagar, Darbhanga
5. Smt. Heera Devi Wife Of Not Known Anganwari Sewika, Anganwari Centre
No. 31, Tikapatti, Panchayat- Hanuman Nagar, P.S.- Alinagar, District-
Darbhanga

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Baidya Nath Thakur, Adv
For the Respondent/s : Mr. Rajiv Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 19-01-2023

Heard the parties.

The petitioner has prayed as under:-

That, a writ of mandamus be issued:-

I. For direction to the Child Development Project Officer, Alinagar, Darbhanga (Respondent no.4) to pay the arrears of honorarium to the petitioner for the periods 01.05.2012 to 31.03.2013 and 01.04.2013 till date of the rate of Rs. 1500/- and Rs. 3000/- per month respectively.

II. For direction to the respondent no.5 to shift the Anganwari Centre no.31 of village Tikapatti in Hanuman Nagar Panchayat, Alinagar Block, Darbhanga from her private building to the Panchayat building of that village for its smooth and proper functioning.

Further a writ of Mandamus be issued;

III. For direction to the respondent Child Development Project Officer, Alinagar, Darbhanga (Respondent no.4) to pay the arrears of honorarium to the petitioner for the periods of 01.05.2012 to 31.03.2013 and 01.04.2013 till date of the rate of Rs.



1500/- and Rs. 3000/- per month respectively.

2. That the following questions of law are arise herein:

I. Whether the honorarium of the petitioner can be withheld despite her having continuously worked for the post of Sahayika?

II. Whether the preparation of meal and service thereof amongst the beneficiaries are proof of the fact that the petitioner has worked during the alleged period of absence- a self created allegation of the Sevika?

III. Whether the representation of the petitioner seeking appropriate action in the matter of shifting of Anganwari Centre to its proper place required to be considered diligently.?

IV. Whether the action of the respondent is arbitrary, illegal and malafide?

A Co-ordinate Bench of this Court in an order passed on 04.01.2023 in CWJC No. 14727/2013 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 order passed by the Co-ordinate Bench, this writ application is not maintainable and the same is, accordingly, dismissed.

(Anil Kumar Sinha, J)

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