

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19425 of 2013

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Smt. Sharda Devi W/O Chandeshwar Paswan Anganwari Sevika, Centre
Sripalpur Code No. 10, Child Development Programme, Block P.S- Punpun,
District- Patna. Petitioner/s

Versus

1. The State Of Bihar
2. The Director, Integrated Child Development Scheme I C.D.S, Bihar, Patna.
3. The District Magistrate, Patna.
4. The Dy. Director, Department Of Social Welfare, Govt. Of Bihar, Patna.
5. The District Programme Officer, Patna.
6. The Child Development Project Officer, Punpun, Patna.
7. The Incharge Medical Officer, Primary Health Centre, Punpun, District-
Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Purushottam Kumar Jha
For the Respondent/s : Mr. Rajendra Kr. Jha

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 08-02-2023 Heard the parties.

The petitioner has approached this Court for quashing of order dated 28.06.2013 passed in Appeal Case No. 34/2012 by the Respondent No. 4, Dy. Director, Department of Social Welfare, Govt. of Bihar, Patna whereby he has upheld the order dated 28.03.2012 passed in Case No. 50/12 by the Respondent No. 5, DPO, Patna by which the petitioner's service as "Anganwari Sevika" of Centre No. 10, under Punpun Block has been terminated.

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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