

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19150 of 2013

Vinita Kumari Wife Of Ajay Kumar Resident Of Mohalla- Khar-Khura,
Bhaluahi, New Colony, P.S. Delha, District- Gaya

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Department Of Social Welfare, Government Of Bihar, Patna
3. The Director, I.C.D.S., Government Of Bihar, Patna
4. The Commissioner, Magadh Division, Gaya
5. The Deputy Director, Welfare Cum Appellate Authority, Magadh Division, Gaya
6. The District Magistrate, Gaya
7. The District Programme Officer, Gaya
8. The Child Development Project Officer, Sadar, Gaya
9. Sarita Kumari Wife Of Ajay Kumar Sharma Resident Of Mohalla- Bhaluahi Kharkhura, P.O.- R.S., P.S.- Delha, Distt.- Gaya

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajeev Kumar Singh
For the State	:	Mr. S. D. Yadav, AAG-9
		Mr. Naginder Kumar, AC to AAG-9

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 01-02-2023 Heard learned counsel for the parties concerned.

The petitioner has approached this court for quashing of order in appeal No. 97 of 2012 dated 06.08.2013 passed by the Deputy Director, Welfare-cum-Anganbari Appellate Authority, Magadh Division, Gaya and order dated 07.06.2007 *vide* Memo No. 991 passed by the District Magistrate, Gaya alongwith follow up order dated 12.06.2007 *vide* Memo No. 327 passed by the Child Development Project Officer, Gaya, by which selection of the petitioner on the post of Anganbari



Sevika has been cancelled.

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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