

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19635 of 2013

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Sadhna Kumari Wife Of Braj Mohan Mishra Resident Of Village P.S. -
Mahishi, Ward No. 15, District - Saharsa

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Director, I.C.D.S. , Government Of Bihar, Patna
3. The District Magistrate, Saharsa
4. The District Programme Officer, Saharsa
5. The Child Development Project Officer C.D.P.O., Mahishi, District -
Saharsa

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	NONE
For the Respondent/s	:	Mr. Prafull Chandra Mr. Dinesh Choudhary

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 06-02-2023 The petitioner has filed this writ application against the proposal no. 4 of the proceeding of Aam Sabha dated 27.07.2013 for appointment on the post of Anganbari Sevika at Centre No. 224 at Gram Panchayat Mahishi, Saharsa, whereby the petitioner has been found ineligible for the post of Anganbari Sevika.

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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