

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19541 of 2013

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Anita Kumari @ Mosamat Anita Kumari Wife Of Late Om Parkash Sharma
Resident Of Village- Musapur, Ramnavmi Asthan, P.S. Korha, District-
Katihar Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Commissioner, Purnea Division, District- Purnea
3. He District Magistrate, District- Katihar
4. The District Programme Officer, District- Katihar
5. The C.D.P.O. Under Block Korha, District- Katihar
6. The Ward Member Namely Seweeta Devi Under Panchayat, Musapur, Ward No. 9, Block- Korha, District- Katihar
7. Mostt. Renu Devi @ Renu Kumari Wife Of Late Akhlesh Sharma Ward No. 9, Musapur, P.S.- Korha, P.O. Musapur, District- Katihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : NONE
For the Respondent/s : NONE

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 06-02-2023 No one appears on behalf of the parties.

The petitioner has moved this Court for direction to the respondents for appointment on the post of Anganbari Sevika at Centre No. 27 under Gram Panchayat, Musapur Block Korha, Katihar pursuant to the appointment letter issued vide Memo No. 51 dated 08.02.2013.

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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