

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19874 of 2013

Sabuja Devi W/O Chandan Kumar Resident Of Village- Mamrakha Bad,
Pokhar Per, Chamartoli, P.S- Pandarak, District- Patna. ... Petitioner/s
Versus

1. The State Of Bihar and Ors
2. The Director, I.C.D.S. Bihar, Patna.
3. The Collector Cum District Magistrate, Patna.
4. The District Programme Officer, Patna.
5. The Child Development Project Officer, Pandarak, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha
For the Respondent/s : Mr. Jawahar Pd. Karn

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 04-02-2023 Heard learned counsel for the parties concerned.

The petitioner has approached this Court against the order dated 31.05.2012 *vide* Memo No. 163 passed by the District Programme Officer, Patna and order dated 17.05.2013 *vide* Memo No. 1581 passed by the Collector-cum-District Magistrate, Patna by which appointment of the petitioner on the post of Anganbari Sevika has been cancelled. The petitioner also seeks reinstatement of service on the post of Sahayika at Anganbari Centre No. 13, Pandarak, Patna.

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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