

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19918 of 2013

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Poonam Kumari W/O Sri Anuj Kumar Mandal Resident Of Vill- Madansahi,
P.O- Maini Nagar, P.S- Pranpur, Distt- Katihar Bihar

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principle Secretary, Social Welfare Deptt., Government Of Bihar, Patna.
3. The District Social Welfare Department, Bihar, Katihar.
4. The Director, I.C.D.S., Govt. Of Bihar, Patna.
5. The District Magistrate, Katihar.
6. The District Program Officer, Katihar.
7. The Child Development Project Officer, Pranpur, Katihar.
8. The Mukhiya Of Gram Panchayat Maujampur, Katihar.
9. Anuja Kumari W/O Kumud Mandal Resident Of Vill- Madansahi, P.O P.S-
Maini Nagar, District- Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kumar Binode Bariar
For the Respondent/s : Mr. Anil Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

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

The present writ application has been filed for direction to the respondents to appoint petitioner on the post of Anganbari Sevika pursuant to the merit list prepared by the Child Development Programme Officer, Pranpur, Katihar.

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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