

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20164 of 2013

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Naseema Khatoon Wife Of Jiyayul Ansari Resident Of Village - Braihmain,
P.S. Ajam Nagar, District - Katihar

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Collector, Katihar
3. The District Program Officer, Katihar
4. The Block Development Officer, Block Ajam Nagar, District Katihar
5. The Child Development Project Officer, Ajam Nagar, District - Katihar
6. The Mukhiya, Grampanchayat Raj Devgaw, Block Ajam Nagar, District - Katihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Durgesh Nandan, Adv.
For the Respondent/s : GP-25

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 10-02-2023 Heard the parties.

2. The petitioner has approached this Court for quashing of order dated 30.03.2011 issued vide Memo No. 196 issued by the Respondent No. 3 (Annexure-7) by which the selection of the petitioner as Angabari Sevika has been cancelled from Centre Code No.7, Anganbari Kendra, Barmain, Ajamnagar.

3. The Hon'ble Supreme Court in the case of *State of Karnataka & Ors. v. Ameerbi & Ors* reported in (2007) 11 SCC 681 has held that “ Anganwari workers do not hold civil post and the posts of Angawari workers are not statutory posts, they



are created under scheme, no recruitment rules are followed in their appointment, their recruitment process is not governed by the Constitution or any statute, the posts are not created by the Central Government or the State Government in exercise of the powers under Articles 77 and 162 of the Constitution of India. Rules framed under Article 309 are not attracted in the case of Anganwari workers.”

4. 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”.

5. 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*”.

6. 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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