

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20156 of 2013

Pranita Kumari Wife Of Prem Chandra Thakur Resident Of Village-
Indrawara, P.S.- Tajpur, District- Samastipur

... .. Petitioner/s

Versus

1. The State Of Bihar Social And Welfare Department, Government Of Bihar, Patna
2. The Director, Social And Welfare Department I C D S, Government Of Bihar, Patna
3. The District Magistrate, Samastipur, Bihar
4. The District Program Officer, Samastipur, Bihar
5. The Deputy Development Commissioner, Samastipur, Bihar
6. The Child Development Project Officer C.D.P.O., Morwa, Samastipur, Bihar
7. The Block Development Officer, Morwa, Samastipur, Bihar
8. The Mukhiya, Gram Panchayat Raj, Indrawara, Morwa, Samastipur, Bihar
9. Amrita Kumari Wife Of Sanjit Kumar Gupta Resident Of Village- Indrawara, P.O.- Indrawara, P.S.- Tajpur, Prakhand- Morawa, District- Samastipur, Bihar
10. Anjana Kumari Wife Of Shailendra Sah Resident Of Village- Indrawara, P.O.- Indrawara, P.S.- Tajpur And Prakhand- Morawa, District- Samastipur, Bihar
11. Punam Kumari Wife Of Ranjit Kumar Sah Resident Of Village- Indrawara, P.O.- Indrawara, P.S.- Tajpur And Prakhand- Morawa, District- Samastipur, Bihar
12. Punam Kumari Wife Of Arbind Kumar Thakur Resident Of Village- Indrawara, P.O.- Indrawara, P.S.- Tajpur And Prakhand- Morawa, District- Samastipur, Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : None

For the Respondent/s : Mr. Bijoy Kumar Sinha AC to AAG-V

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 10-02-2023 No one appears for the petitioner while State is present.

2. The petitioner has approached this Court for appointment on the post of Angabari Sewika under Gram Panchayat Raj, Indrawara, Anganbari Sewika, Centre Name



Birendra Sah ka Tola, Centre Code No. 155, Ward No. 10, Prakhanda Morwa, Distt-Samastipur by quashing the final selection list of merit of Anganbari Sewika dated 16.09.2013.

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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