

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23208 of 2013

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Smt. Kiran Bala W/O Arun Kumar R/O Dullahpur, P.O- Niyajipur, P.S- Simari, District- Buxar, At Present Anganbari Sewika Code No. 99, Anusuchit Jati Tola, Dullahpur Pachayat, Sahiyar, Block- Simari, District- Buxar.

... .. Petitioner/s

Versus

1. The State Of Bihar through District Magistrate, Buxar
2. The District Magistrate, Buxar.
3. The District Programme Officer, Buxar.
4. The Block Development Officer, Simari, Buxar.
5. The Child Development Project Officer Simari Buxar.
6. The Deputy Director Welfare Patna Commissionery, Patna.
7. The Director Icds, Patna, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Radha Mohan Pathak, Adv.
For the Respondent/s	:	Mr.S.D.Yadav, AAG-9
		Mr. Prem Ranjan Kumar, AC to AAG-9

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 06-07-2023

1. The present writ petition has been filed seeking the following reliefs:-

“1.That this application is being filed for issuance of an appropriate writ/order/direction quashing the order dated 25.09.2013/30.09.2013 passed by Respondent No. 6 in Appeal Case No. 54A/2012 and also for quashing order dated 31.3.2012 passed by the Respondent No. 3.

1/A. That the petitioner further prays for issuance of appropriate writ/order/direction for



reinstate of petitioner as Anganbari Sevika.

2. The learned counsel for the Respondent-State, Sri S.D.Yadav (AAG-9), has submitted, by referring to the supplementary counter affidavit, filed in the present case on 23.6.2023, hard copy whereof is being filed today, which is taken on record, that third party rights have already been created, inasmuch as one Saroj Kumari has been selected / appointed as Anganbari Sevika at the Anganari Centre No. 93, Anushuchit Jati Tola, Dullahpur and she has joined at the said centre long back in the year, 2015, itself.

3. The learned counsel for the State has further referred to an order dated 10.1.2023, passed in CWJC No. 16533 of 2023.

Paragraph no. 2 whereof is reproduced hereinbelow:-

“2. The petitioner assails the order of the District Magistrate rejecting the appeal of the petitioner with regard to the non-appointment on the post of Anganwadi Worker. The post of Anganwadi 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. The appeal being heard by the District Magistrate is also under the guidelines issued for the said purpose. Keeping in view thereto, no interference is warranted in writ jurisdiction.”

4. Considering the aforesaid facts and circumstances of the case and the law laid down by a coordinate Bench of this



Court, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to take recourse to such alternative remedies as are otherwise available under the law including that of filing a civil suit before the learned Civil Court having competent jurisdiction. Liberty, so sought, is granted.

5. The writ petition stands disposed off as not pressed.

(Mohit Kumar Shah, J)

Ajay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	8.7.2023
Transmission Date	NA

