

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20990 of 2014

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Kanchan Kumari Wife of Krishna Narain Kumar Resident of Village -
Barhattha, P.S. Kisanpur, Dist.-Supaul

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal sEcretary, Social Welfare Department, Govt. of Bihar, Patna
3. The Director, Social Welfare Department, Govt. of Bihar, Patna
4. The District Magistrate-cum-Collector, Supual, Dist.-Supaul,
5. The District Development Commissioner, Dist.-Supaul
6. The District Programme Officer ICDS, Supual, Dist.-Supaul
7. The Sub-Divisional Magistrate, Supual, Dist.-Supaul
8. The Block Developmnet Officer, Kisanpur Block, Dist.-Supaul
9. The District Panchyat Raj Officer, Supaul, Dist. Supaul
10. The Child Development Programme Officer, Kisanpur Block, Dist.-Supaul
11. The Mukhiya, Gram Panchayat Raj sukhasan, Under Kisangpur Block ,
Dist.-Supaul
12. The Panchayat Secretary of Gram Panchayat Ram Sukhasan Under
Kisangpur Block, Dist.-Supaul
13. Kendula Kumari Wife of Pramod Kumar (selected Sevika, Aanganbari
Kendra NO. 61, Barhattha) Resident of Village - Barhattha, P.S. - Kisanpur,
Dist.-Supaul

... .. Respondent/s

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Appearance :

For the Petitioner/s : None
For the Respondent/s : Mr.Avinash Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 08-02-2023 No one appears for the petitioner.

The petitioner has approached this Court for a
direction to the Respondents particularly Respondents No.6, 8 to
12 to comply the order dated 11.09.2012 passed by Respondent
No.4, the District Magistrate-cum-Collector, Supaul in Appeal



Case No. 04/2011 by which the Respondent No. 4 after observing the illegibility committed in the process of selection of Aanganbari Sevika of Gram Panchayat Raj, Sukhasan for Center No. 09, Code No. 61, (Durga Asthan) Barhattha under Kisanpur Block, directed the Respondent No. 6, 8 to 12 to convene the Aamsabha and accept the objections.

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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