

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7682 of 2023

Manju Kumari @ Manju Devi W/O Ranjan Kumar Yadav @ Ranjan Yadav
Resident of Village- Baturi (Botri), Panchayat- Meghaul, Block and P.S.-
Pandaul, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary Social welfare Department, Government of Bihar, Patna.
2. The Secretary, Social welfare Department, Government of Bihar, Patna.
3. The Director integrated Child Department, Government of Bihar, Patna.
4. The District Magistrate, Madhubani.
5. The District Programme Officer, Madhubani.
6. The Senior in Charge Officer, Pandaul, District- Madhubani.
7. The Child Development Programme Officer, Pandaul, District-Madhubani.
8. Pinky Kumar Wife of Rakesh Kumar Resident of Village- Batari, Panchayat- Meghaul, Block and P.S.- Pandaul, District- Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ravi Prakash, Advocate Mr. Abhinay Raj, Advocate Mr. Gagan Deo Yadav, Advocate Mr. Vinod Kumar, Advocate
For the Respondent/s	:	Smt. Kumari Amrita (GP-3) Mr. Rajesh Kumar, AC to GP-3

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 05-12-2023 The present writ petition has been filed
seeking the following relief:-

*"1.That this is an application for
issuance of an appropriate writ(s),
order(s), direction(s) for quashing the
order dated 30.01.2023 passed in
Anganbari Appeal no. 232/2022 by the
learned Court Collector, Madhubani
whereby and whereunder the learned*



Collector was pleased to dismiss the abovesaid Appeal No. 232/2022 without applying judicial mind and without considering the facts of this case and affirm the earlier order dated 29.06.2022 passed by the District Programme Officer, Madhubani and after quashing the abovesaid order dated 30.01.2023 respondents further be directed to remove the respondent no. 8 from the post of Anganbari Sevika and to consider the case of the petitioner for appointment on the post of Anganbari sevika and to grant any other relief(s) for which petitioner may found entitled in accordance with law."

2. At this juncture, this Court would refer to a judgment rendered by a co-ordinate Bench of this Court in the case of **Seema Kumari vs. The State of Bihar and others**, reported in **(2015) SCC Online Pat 7267**, paragraphs no. 9 to 11 whereof, are reproduced herein below:-

"9. As noted above, the Anganbari Sevika is not a government servant and has no protection under Article 311(2) of the Constitution of India so as to envisage the concept of regular departmental proceeding. The



petitioner was given a notice. She was informed about the allegation against her. She had filed her show-cause reply which was considered by the District Programme officer and when the order went against her, she had also been given adequate opportunity by the appellate authority who, in fact, had himself got the matter verified by referring the matter to the Bihar Sanskrit Board.

10. In that view of the matter, this Court would not find any error in the impugned order of termination of the services of the petitioner when it is found that the petitioner had got appointment by producing a document in support of qualification which was found to be incorrect/forged.

11. Thus for the reasons indicated above, this application must fail and is, accordingly, dismissed."

3. It would be apt to refer to yet another judgment rendered by the learned Division Bench of this Court in the case of **Neetu Kumari v. The State of Bihar and others**, reported in **2011 (4) PLJR 20**, paragraphs no. 4 and 5 whereof are reproduced herein below:-



“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 of honorarium, we are of the view that in case the appellant still feels aggrieved, she may approach the Civil Court for damages. 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. The appeal is dismissed.”

4. Considering the aforesaid aspect of the matter, the learned counsel for the petitioner seeks not to press the present writ petition, however, seeks liberty on behalf of the petitioner to avail such other alternative remedies as are otherwise available under the law, including that of filing a suit before the Ld. Civil Court having competent jurisdiction, for redressal of the



aforesaid grievances. Liberty, so sought, is granted.

5. The writ petition stands dismissed.

(Mohit Kumar Shah, J)

S.Sb/-

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