

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12541 of 2021

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Geeta Kumari @ Geeta Devi Wife of Ramashankar Bhagat Resident of
Village- Chiraiya, Ward No.9, P.O. Phulkaha, P.S. Sahiyara, Block- Bathnaha,
District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Social Welfare Department, Government of Bihar, Patna.
3. The Director, Integrated Child Development Services, Bihar, Patna.
4. The District Magistrate, Sitamarhi.
5. The District Programme Officer (ICDS), Sitamarhi, District- Sitamarhi.
6. The Child Development Project Officer, Bathnaha, District- Sitamarhi.
7. The Ladies Supervisor, Bathnaha, District- Sitamarhi.
8. The Ward Member-cum-Chairman, Selection Committee Ward No.9 of Gram Panchayat Raj, Matiyarkala, Block- Bathnaha, District- Sitamarhi.
9. Milan Kumari Wife of Ganesh Mahto Resident of Village- Chiraiya, Ward No.9, P.O. Phulkaha, P.S. Sahiyara, Block- Bathnaha, District- Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh, Advocate
For the Respondent/s : Mr.S. K. Mandal (SC-3)
Mr. Bipin Kumar, AC to SC-3

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 24-11-2023 The present writ petition has been filed
seeking the following reliefs:-

"1.(I) For issuance of an appropriate writ in the nature of CERTIORARI for quashing the order dated 23.12.2020 passed by the respondent no.4 in Aanganwari Appeal Case No.58 of 2018 (Milan Kumari Vs. State of Bihar and others) whereby and whereunder



the respondent no.4 has been pleased to allow the appeal filed by the respondent no.9 and set aside the order passed by the respondent no.5 contained in his memo no.495 dated 23.06.2018 by which the appeal filed by the respondent no.9 was rejected holding that there is no illegality in selection of the petitioner.

(II) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent Authorities to reinstate the petitioner as Aanganwari Sahayika for the centre in question i.e. Centre No.33 of Ward No.9 of Gram Panchayat Raj, Matiyarkala under Bathnaha Block of Sitamarhi District on the ground that the selection of the petitioner was made in accordance with law as well as her educational certificate is found to be genuine in enquiry as conducted by the respondent no.5."

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. Liberty, so sought, is granted.

5. The writ petition stands dismissed.

(Mohit Kumar Shah, J)

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