

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11820 of 2015

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Smt. Babita Kumari Wife of Vijay Kumar Resident of Nimi Ward No.6, Post
Office- Daniyawar, P.S.- Daniyawar, District - Patna

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Deputy Director, Welfare, Patna Division, Patna
3. The District Programme Officer, Patna
4. The Child Development Project Officer, Fatuha-cum- Daniyawar
5. Smt. Sangita Kumari Wife of Sudhir Kumar Singh, Resident of Village -
Nimi, P.O.- Daniyawar, P.S.- Daniyawar, District - Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gautam Kumar Yadav, Adv.
For the Respondent/s : Mr. Avnish Nandan Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA
ORAL JUDGMENT

Date : 30-01-2023

1. In this writ petition grievance raised is relating to
appointment of Anganwari Worker.

2. In CWJC No. 21963 of 2014 decided on 12.12.2022
(Reena Kumari Vs. State of Bihar & Ors.,) this Court has held that
the post of Anganwari Worker does not fall within the purview of
State or Subordinate Services. The post of Anganwari Worker is
under a scheme introduced by Govt. of India and respective State
Govts. and regulated by guidelines which are non-statutory and
therefore not enforceable in law. The appointment is on
honorarium basis and no statutory procedure has been laid down.

3. Of course, under the guidelines, grievance against
appointment of Anganwari Worker can be raised before the



Collector of concerned district with a further revision to the Commissioner.

4. Even the orders passed by the Collector or the Commissioner would not be a subject matter of judicial review as the power being exercised by them relating to a dispute of Anganwari Worker is under guidelines and they do not act as a statutory authority while deciding such dispute. In view thereof, the writ petition would not be maintainable even against the orders of the Collector or the Commissioner.

5. Leaving it open to the respective writ petition to avail any of the aforesaid remedies, if they have not so availed, the writ petition is held to be not maintainable.

6. Accordingly, this writ petition is dismissed with the aforesaid liberty.

7. If an appeal/revision is filed, the same shall be decided expeditiously within a period of six months and the question of limitation will not arise.

(Sanjeev Prakash Sharma, J)

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Item no.39

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