

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15172 of 2015

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Boby Kumari wife of Rakesh Kumar Das Resident of village - Nimakol, Police Station - Dandkhora, Block - Dandkhora, District - Katihar.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Joint Commissioner-cum-Secretary, Regional Transport Authority, Purnea Division, Purnea.
3. The District Magistrate, Katihar.
4. The District Programme Officer, Katihar.
5. The Child Development Project Officer, Dandkhora, District - Katihar.
6. Priti Kumari wife of Khushi Lal Mahto Resident of village - Nimakol, Police Station - Dandkhora, Block - Dandkhora, District - Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Rahmatullah, Adv.
For the Respondent/s : Mr. Pandey S Sahay, 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 Anganwadi 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 Anganwadi Worker does not fall within the purview of State or Subordinate Services. The post of Anganwadi 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 Anganwadi 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 Anganwadi 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)

Sachin/-
Item No. 44

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