

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13122 of 2021

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Sushila Devi Wife of Munna Prasad, Resident of Village- Pandit ke Harpur,
P.O.-Ramchandrapur, P.S.-Thawe, District-Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Social Welfare, Government of Bihar, Patna.
2. The Director, Directorate of Integrated Child Development Scheme, Pant Bhawan, Jawaharlal Nehru Mar Patna.
3. The Collector-Cum-District-Magistrate, Gopalganj.
4. The Project Officer, (I.C.D.S.), Gopalganj.
5. The Block Development Officer, Thawe, Gopalganj.
6. The Child development Project Officer, Thawe, Gopalganj.
7. The Selection Committee Relates to Aanganbadi Sevika for Ward No.13, Gram Panchayat Raj Ramchandrapur Project/ Block-Thawe, District-Gopalganj.
8. The Ward Member-Cum-Chairman Section Committee relates to Aangabadi Sevika for Ward No.13, Gram PanGram Panchayat Raj Ramchandrapur Project/Block-Thawe, District-Gopalganj.
9. The Panch-cum-Vice-Chairman, Selection Committee relates to Aangabadi Sevika for Ward No.13, Gram Panchayat Raj Ramchandrapur, Project/Block-Thawe, District-Gopalganj.
10. The Mahila Parywekshika (Supervisor)-cum-Secretary relates to Aangabadi Sevika for Ward No.13, Gram Panchayat Raj Ramchandrapur, Project/Block-Thawe, District-Gopalganj.
11. Suman Devi Wife of Anand Kuamr Resident of Village-Pandit ke Harpur, P.O.-Ramchandrapur, P.S.-Thawe, Disrict-Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Jeetendra Narayan, Advocate
For the Respondent/s	:	Mr.S.K. Mandal (SC-3)
		Mr. Arjun Prasad, AC to SC-3
For the Respondent No. 11 :		Mr. Pankaj Kumar Dubey, Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 30-11-2023 The present writ petition has been filed
seeking the following reliefs:-

"1. That this is issuance of an



application for the appropriate writ(s), order(s), direction(s) of the respondents to properly examine the selection process of Aanganbadi Sevika specially relates to residency of respondent no.11, who is resident of Ward No.12, but in collusion with concerned respondents selected as Aanganbadi Sevika for Ward No.13 Gram Panchayat Raj Ramchandrapur under the Thawe Project/Block of Gopalganj district in violation of clause 5 of the Guidelines, 2016 relates to selection of Aanganbadi Sevika/Sahayika issued by the Department of Social Welfare Government of Bihar, Patna.

And respondents further for directing the respondents to cancel the collusive selection of respondent no.11 and made selection of the petitioner for the post of Sevika relating to the aforementioned Aanganbadi Centre."

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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