

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8126 of 2023

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Mamta Devi Wife of Rajesh Kumar Yadav Resident of Village Dargahiganj
Ward no. 03, Panchayat Block Narpatganj P.S. Narpatganj District Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Social Welfare, Govt. of Bihar, Patna.
2. The Divisional Commissioner, Purnea Division, Purnea.
3. The District Programm Officer I.C.D.C Office Araria.
4. The Female Supervisor, Child Development Project Office, Narpatganj District Araria.
5. The Child Development Project Officer, Narpatganj, Purnea.
6. Smt. Baby Devi W/o Niranjan Kumar Resident of Village Dargahiganj Ward No. 03. P.S. Narpatganj District Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Advocate
For the Respondent/s : Smt. Kumari Amrita (GP-3)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-11-2023 The present writ petition has been filed
seeking the following relief:-

"I. For quashing the order dated 13.12.2022 passed by the Divisional Commissioner, Purnea in Aanganwari Revision Appeal No. 09/2021 +12/2021 whereby and whereunder the order dated 23.1.2021 passed by the District Programme Officer, Araria (respondent no. 3) Aanganwari Appeal No.66/2018-19 has been set aside observed the Child Development



Project Officer, Narpatganj (respondent no.5) to select Baby Kumari (respondent no.6) on the post of Anganwari Sevika and affirm the order dated 23.1.2021 passed by the District Programme Officer (ICDS) Araria in Anganwari Appeal No. 66/2018-19."

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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