

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 10524 of 2017

Ram Dulari Devi wife of Brij Mohan Choudhary resident of Village- Phulout West Ward No. 9 Post Office Phulout Block- Chousa, P.S. Chousa, District Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director, Social Welfare I.C.D.S. Directorate, Government of Bihar, Patna.
3. The Deputy Director Koshi Division, Saharsa.
4. The District Magistrate, Madhepura, District Madhepura.
5. The District Programme Officer, Madhepura, District- Madhepura.
6. The Child Development Project Officer, Chousa Block, Chousa, P.S. Chousa, District Madhepura.
7. L.S. namely Ahilya Kumar Block Chousa, P.S. Chousa, District- Madhepura.
8. The Ward Member Ward No. 9 Panchayat Phulout West, P.S. Chousa, District- Madhepura.
9. Mnita Kumari, Anganwari Sevika, wife of Krishna Kumar Sah, resident of Village- Phulout West Panchayat, P.S. Chousa, District Madhepura.
10. Nibha Kumari wife of Arun Suryabanshi, resident of Village- Phulout West Ward No. 7 Post Office Phulout Block- Chousa, P.S. Chousa, District Madhepura.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shivnandan Sah, Advocate
For the Respondent/s : Smt. Kumari Amrita, GP 3

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 10-02-2023 In the writ application, the petitioner has prayed for following reliefs:-

“1. For issuance of Certiorary, setting aside the Order dated 24.04.2017, passed by the District Magistrate, Madhepura vide Anganbari Appeal No. 42 of 2014 affirming the Order dated 16.12.2014, passed by the District Programme Officer, Madhepura by which petitioner’s case has been dismissed.



2. For issuance of Mandamus, directing the Respondent authority concerned to reinstate the petitioner on the post of Anganwari Phulout (West) Ward No. 9 under Gram Panchayat Phulout Block Chousa in District Madhepura.”

Heard learned counsels for the parties.

The post of Anganbari Sevika / Sahahyka is not a post having security of tenure or protection under Article 311 of the Constitution of India. It does not fall within the purview of the State or subordinate services and is a post under a scheme regulated by guidelines of the State Government, which are not enforceable in law. The very nature of engagement provides for honorarium. It is purely a contractual engagement.

In view thereof, the writ petition would not lie with regard to the selection process of Anganwadi worker and is, accordingly, dismissed.

However, while dismissing the writ petition, it is observed that if the petitioner still feels aggrieved, she may approach the competent authority.

(Prabhat Kumar Singh, J)

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