

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14236 of 2021

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Suniti Kumari @ Sunita Kumari W/o- Jai Ram Kumar Yadav @ Jai Ram Yadav R/o- Village- Gangapur, P.S.- Chakand, Gram Panchayat- Bara, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary Social Welfare, Govt. of Bihar, Patna.
2. The District Magistrate Gaya.
3. The District Panchayat Raj Officer Gaya.
4. The Block Development Officer Town (Gaya).
5. The CDPO Town (Gaya).
6. Guddi Devi @ Guddi Kumari W/o Suraj Kumar Resident of Village- Gangapur, P.S.- Chakand, District- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ram Babu, Adv.
For the Respondent/s : Mrs.Kumari Amrita (GP-3)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 13-12-2023 1. The present writ petition has been filed seeking the following relief(s):-

"i) For issuance of a writ in the nature of the writ of Certiorari quashing the order dated 12.02.2021 passed in Aganbari Appeal Case No-39/18 (Suniti Kumari@Sunita Kumari VS Guddi Devi and Panpati Kumari) by the Respondent No- 2 i.e. The DM Gaya as the same has been passed in a mechanical and a non- reasoned order and without applying judicial Accumen concurring with order dated 01.09.2018 passed in Aganbari Case No-



91/2018 passed by the District Program Officer, Gaya.

(ii) For issuance of Mandamus to the respondent authorities to offer appointment letter in favor of this petitioner in view of the fact that the petitioner had already submitted her resignation to the Sarpanch and also to Mukhiya on 22.10.2017 itself but the same was sent to the office of District Panchayati Raj Officer Gaya after the lapse of 1 year for which the petitioner is not responsible and should not be allowed to suffer as the same is not as per law as well as in violation of natural justice."

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 law laid down by the learned Division Bench of this Court, as aforesaid, 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 disposed off as not pressed.

(Mohit Kumar Shah, J)

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