

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17015 of 2013

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Sneh Mayee Wife Of Sri Raghvendra Jha Resident Of Village- Basnahi, P.S.-
Basnahi, District- Saharsa

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Social Welfare, Government of Bihar, Patna
2. The Director, Integrated Child Development Scheme I.C.D.S., Directorate, Department Of Social Welfare, Government Of Bihar, Patna
3. The Divisional Commissioner, Koshi Division, Saharsa
4. The District Magistrate, Saharsa
5. The District Programme Officer, Saharsa
6. Nutan Singh W/o Vivek Kumar Singh, Vill. P.O.- Manguwar, P.S.- Sonbarsa, Dist.- Saharsa
7. Neelam Kumari, wife of Jitendra Nath Jha, resident of village P.O.- Mahishi, P.S.- Mahishi, District- Saharsa, presently posted in the office of Child Development Project Office, Nauhatta, District- Saharsa
8. Nutan Kumari, Wife of Tarunand Verma, resident of village P.O.- Maina, Sonbarsa, P.S.- Sonbarsa, District- Saharsa, presently posted in the office of Child Development Project Office, Itahri, District- Saharsa
9. Reeta Kumari, Wife of Krishna Kumar Singh, resident of village- Balwa, P.O. P.S.- Nauhatta, District- Saharsa, presently posted in the office of Child Development Project Office, Simri Bakhtiyarpur, District- Saharsa
10. Punita Kumari, Wife of Arun Kumar Yadav, resident of village- Parsauni, P.O.- Jamal Nagar, P.S.- Salkhua, District- Saharsa, presently posted in the office of Child Development Project Office, Simri Bakhtiyarpur, District- Saharsa
11. Mamta Kumari, wife of Manoj Kumar Yadav, resident of village- Tehra, P.O.- Mahua Bazar, Sonbarsa, P.S.- Sonbarsa, District- Saharsa, presently posted in the office of Child Development Project Office, Mahishi, District- Saharsa
12. Kumari Usha, Wife of Lal Bahadur Yadav, resident of village- Bhabhra, P.O.- Amrita, Sonbarsa, P.S.- Sonbarsa, District- Saharsa, presently posted in the office of Child Development Project Office, Simri Bakhtiyarpur, District- Saharsa

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Advocate
For the Respondent/s : Mr.Manoj Kumar AC to GP-4

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH



ORAL ORDER

8 09-02-2023 In the writ application, the petitioner has prayed for
issuance of following writs:-

“1. A certiorari setting aside the second provisional merit list of General category published from the level of Respondents District Magistrate and District Programme Officer for selection and appointment of Lady Supervisors under I.C.D.S., Saharsa under 25% quota of Anganwari Sevika as the petitioner despite being placed at serial No.7 in first merit list under General Category being M.A. and having 16 years experience in Anganwari, she has illegally been removed/ousted from the second provisional select list taking some such candidates in the list out of 7 who are not at all liable to be appointed in view of Government Guidelines and prescribed rules.

2. A mandamus commanding and directing the Respondents concerned to appoint the petitioner on the post of Lady Supervisor (General) in the light of Advertisement No.44-2 dated 05.07.2010 issued from the level of Collectorate, Saharsa I.C.D.S. Selection in place of illegally selected candidates who are over-aged as also selected contrary to rules and guidelines in this regard.”



Heard learned counsel for the parties.

The post of Anganbadi worker 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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