

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17620 of 2015

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Mamta Devi Wife of Sri Navin Kumar resident of Village - Ahiyapur Barka,
P.S. and District - Arwal.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Social and Family Welfare, Government of Bihar, Patna.
2. The Director Integrated Chief Development Scheme.
3. The Deputy Director, Welfare Magadh Division, Gaya.
4. The District Magistrate, Arwal.
5. The District Programme Officer, Arwal.
6. The Child Development Project Officer, Arwal.
7. Veena Shahi wife of not known to the petitioner resident of Chhotki Ahiyapur, P.S. and District - Arwal.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate
For the Respondent/s : Mr.S.Raza Ahmad, AAG-9

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-09-2023 1. The present writ petition has been filed seeking
the following relief :-

“1(i) For issuance of writ in the nature of certiorari for quashing the order dated 03.07.2015 passed in Aanganbari Misc. Case No. 5DM/2012 by the Court of Deputy Director (Welfare), Magadh Division, Gaya whereby the application preferred against cancellation of the selection of the petitioner as Aanganbari Sevika, vide letter No. 73 dated 02.04.2009, passed by the Child Development Project Officer, Arwal in



compliance of the order as contained in Memo No. 1 dated 15.09.2008 issued by the District Officer, Arwal.

(ii) Also for quashing the order as contained in Memo No. 1 dated 15.09.2008 issued by the District officer, Arwal whereby direction was given for cancellation of the selection of the petitioner.

(iii) Also for quashing the letter no. 73 dated 02.04.2009 issued by the Child Development Project Officer, Arwal where by the selection of the petitioner to the post of Aanganbari Sevika was cancelled.

(iv) Also for re-instating the petitioner to the post of Aanganbari Sevika at Aanganbari Centre Barki Ahiyapur, Arwal.

(v) Also for any other appropriate relief(s) to which the petitioner is found entitled either in the eye of law or in the facts and circumstances of the case.”

2. At this juncture, this Court would refer to a judgment rendered by the learned Division Bench of this Court in the case of ***Babita Kumari v. The State of Bihar and others***, reported in ***2016 SCC Online Pat 9434***, paragraphs no. 7 and 8 whereof are reproduced herein below:-

“7. Having considered the rival contentions, we do not find any merit in the present appeal. The



charges against the appellant were very clear as would be apparent from the show cause dated 22.02.2012, which was issued in light of the findings in the enquiry report as well as the relevant documents/registers which were required to be maintained at the Centre. Reply given by the appellant, copy of which has been brought on record, does not indicate any justification and rather it has been stated that on 24.09.2011 at the time of Inspection, the children were still coming and on 07.10.2011, she herself had gone to call the children and during that time the inspection was held. It was further stated by the appellant that on 30.09.2011 she had become ill due to being drenched by rain. We find that such explanation is vague and evasive and does not inspire confidence. The spirit and object of running Anganbadi Centres cannot be overemphasized and the purpose is to ensure the welfare of children from the lowermost and deprived strata of society. Any lapse in execution of the said scheme has to be taken very seriously. Closure of even one day entails the beneficiaries going without their meals, which cannot be overlooked. Thus, we do not find any infirmity in the decision of the authorities cancelling her selection as well as the procedure adopted by them prior to passing such order.



8. For the reasons aforesaid, the Letters Patent Appeal, being devoid of merit, stands 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 appellants still feel aggrieved, they 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 dismissed as not pressed.

(Mohit Kumar Shah, J)

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