

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2245 of 2022

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Saroj Kumari Wife of Nagendra Kumar, R/o Village Sonpur, P.S. Belaganj,
District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Govt. of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Director Integrated Child Development Schemes, Govt. of Bihar, Patna.
4. The District Programme Officer, ICDS, Gaya.
5. The Circle Officer, Belaganj, Gaya.
6. Prabha Devi, Wife of Vinod Kumar, R/o Village-Bajitapur Tola, Daya Bigha, P.S.-Belaganj, District-Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Binoy Kumar Sinha, Advocate
For the Respondent/s	:	Mr.S.K. Mandal, SC 3
		Mr. Arjun Prasad, AC to SC 3

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 10-07-2024 The petitioner made an application for her recruitment as *Angandwadi Sevika*. She was not, however, selected. She preferred an application against the order of Selection taken by local Aam Sabha and approved by the D.P.O., Gaya in Aanganbari Case No. 341/2018 on 13.12.2018. Against the said order, the petitioner preferred a statutory appeal before the District Magistrate, Gaya on 22.12.2021 in Anganbari Appeal No. 57/2019, which was also dismissed.

2. Feeling aggrieved, the petitioner has preferred the instant writ petition.



3. At the outset, it is required to be stated that the instant writ petition is not maintainable under Article 226 of the Constitution of India because the post of *Anganwadi Sevika* is not a post having security of tenure or protection under Article 311 of the Constitution of India.

4. Considering the very nature of engagement which provides for honorarium, the remedy of the petitioner does not lie in the constitutional writ jurisdiction. If the petitioner feels aggrieved, she may approach the civil court of competent jurisdiction for appropriate relief. She may also file revision before the Divisional Commissioner against the order passed by the District Magistrate. Since, the appointment of *Anganwadi Sevika* is under a scheme where she is entitled to get honorarium and the nature of employment is absolutely contractual, the relief for consideration of her appointment cannot be made and even if there is a breach of scheme or principal of law, the claim should ordinarily be permitted, if found good on merits, only for damages.

5. The decision of this Court in *Neetu Kumari v. The State of Bihar & Ors.*, reported in *2011 (4) PLJR 20*, may be relied upon in this regard.

6. Recently, a Co-ordinate Bench of this Court



reiterated the same view in *Parvati Devi v. State of Bihar & Ors., reported in 2024 (1) BLJ 178* and also in *Urmila Kumari v. State of Bihar & Ors., reported in 2024 (I) BLJ 361*.

7. Following the above mentioned decisions, I have no other alternative but to hold that the instant writ petition is not maintainable and the same is liable to be dismissed. Accordingly, the instant writ petition is dismissed.

8. The petitioner is however, entitled to seek relief by filing revision and in such case the competent authority shall condone the delay under the relevant provision of the Limitation Act because during this time, the petitioner was pursuing the instant writ petition diligently.

(Bibek Chaudhuri, J)

Suraj Dubey/-

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