

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.454 of 2019

1. Anju Kumari and Ors Wife of Purushottam Kumar, Resident of Mohalla-Jagata, Ward No.5, Kharsahi, Police Station- Raniganj, District- Araria.
2. Monisa Kumari, Wife of Pramod Kumar Patel, Resident of Village-Parmanandpur, Police Station- Raniganj, District- Araria.
3. Veni Kumari, Daughter of Umesh Prasad Sah, Resident of Village- Samesar, Police Station- Bahadurganj, District- Kishanganj.
4. Mahapara Hasibi, Wife of Sajjad Alam, Resident of Village- Kothilia Batabadi, Post Office- Bhatabadi, Police Station- Bahadurganj, District- Kishanganj.
5. Punam Kumari, Wife of Niranjan Kumar Sah, Resident of VillagePost Office- Kankhudiya, Police Station- Palasi Via Madanpur, District- Araria.
6. Sazia Parween, Wife of Md. Khaza Hussain, Resident of Village- Dehti, Police Station- Palasi, District- Araria.
7. Suman Kumari, Daughter of Ram Prasad Yadav, Resident of Village-Ararwadi, Police Station- Palasi, District- Araria.
8. Jinat Ara, Daughter of Md. Mahboob Alam, Resident of Village- Hatgaon, Ward No.7, Maina, Police Station- Palasi, District- Araria.
9. Kanchan Kumari, Wife of Narayan Kumar Mandal, Resident of Village-Chandipur, Ward No.11, Police Station- Palasi, District- Araria.
10. Laxmi Kumari, Wife of Dilip Kumar Singh, Resident of Village- Aulabadi, Police Station- Palasi, District- Araria. Uddipika at Child Development Scheme Office, Palasi, District- Araria.
11. Shahin Quamar, Wife of Md. Tabir Alam, Resident of Village- Barhat, Police Station- Palasi, District- Araria.
12. Sushmita Bharti, Wife of Basudeo Prasad Mandal, Resident of Mohalla-Barahkumba, Ward No.5, Post Office- Sohandar Hat, Police Station- Palasi, District- Araria.
13. Sanjhola Kumari, Wife of Krishna Kumar Mandal, Resident of Village-Khutti, Police Station- Palasi, District- Araria.
14. Jyoti Singh, Wife of Prabhat Kumar Singh, Resident of Village- Bhataunja, Post Office- Urlaha via Madanpur, Police Station- Palasi, District- Araria.
15. Radha Kumari, Wife of Sushil Kumar Sardar, Resident of Village- Pipra Baijwari, Police Station- Palasi, District- Araria.
16. Amrita Yadav, Wife of Nand Kishore Yadav, Resident of Village- Karod Dighli, Post Office- Kankhudiya, Police Station- Palasi, District- Araria.
17. Veena Devi, Wife of Naresh Kumar Sah, Resident of Village- Chauri, Post Office- Kaliyaganj Via Madanpur, Police Station- Palasi, District- Araria.
18. Kumari Haripriya, Daughter of Feku Chaudhari, Resident of Village-Karnpur, Ward No.7, Near Uttar Krishna Mandir Karnpur, Post Office-Karnpur, District- Supaul.
19. Sabiha Shabnam, Wife of Md. Nisar Alam, Resident of Village-



Mohsingaon, Post Office- Dhanpatganj, Police Station- Kocchadaman, District- Kishanganj.

20. Jhumi Kumari Sinha, Daughter of Amal Kumar Sinha, Resident of Village- Nariyalbari, Post Office- Khodaganj, Police Station- Bahadurganj, District- Kishanganj.
21. Tarannum Ara Begum, Daughter of Md. Tajammul Haque, Resident of Village- Kulamani, Post Office- Sindhia, Police Station- Kishanganj, District- Kishanganj.
22. Ruby Kumari, Wife of Dilip Kumar Paswan, Resident of Village- Mahingaon, Post Office- Hatwar, Police Station- Kishanganj, District- Kishanganj.
23. Punam Kumari, Wife of Pramod Kumar Sinha, Resident of Village- Natuapara, Police Station- Bahadurganj, District- Kishanganj.
24. Nazmeen Naz, Wife of Md. Sikandar Azam, Resident of Village- Koimari, Post Office- Bangama, Police Station- Bahadurganj, District- Kishanganj.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Social Welfare Department, Government of Bihar, Patna.
3. The Director, Integrated Child Development Services ICDS, Directorate ICDS, Bihar, Patna. null null
4. The District Programme Officer ICDS-cum-Deputy Project Director, Kishanganj, District- Kishanganj.
5. The District Programme Officer ICDS-cum-Deputy Project Director, Araria, District- Araria.
6. The District Programme Officer ICDS-cum-Deputy Project Director, Supaul, District- Supaul.
7. The Child Development Project Officer, Kishanganj, District- Kishanganj.
8. The Child Development Project Officer, Araria, District- Araria.
9. The Child Development Project Officer, Supaul, District- Supaul.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Mishra
For the Respondent/s : Mr.Prashant Pratap- Gp2

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 16-01-2024 Heard learned counsel for the petitioner and learned
counsel for the State.



2. The present writ petition has been filed by the petitioners for quashing the order dated 12.05.2016 contained in Memo No. 616 dated 17.05.2016 (Annexure-6) by which it was decided by the Director, Integrated Child Development Services (ICDS) that the contract of *Uddipika* will not be extended beyond 31.03.2016 and after making payment of year April and May 2016, no work will be taken from them.

3. The further relief has been demanded by the petitioners directing the respondents to regularize the service of the petitioners on the present post or to adjust the petitioners on permanent post in some other Departments of the Government of Bihar.

4. Counsel for the petitioner submits that the petitioner were appointed by virtue of advertisement made in the year 2013 published in local daily newspaper by Social Welfare Department, Government of Bihar for the post of *Uddipika* in nine Districts of Bihar i.e. Madhepura, Jamui, Purnea, Araria, Banka, Kishanganj, Supaul, Sheohar and Madhubani for the purpose of better implementation of the scheme of the State society for ultra poor and social welfare Department, Government of Bihar.

5. Counsel submits that petitioners started working



with full satisfaction of the respondent authorities, but all of sudden, a letter vide Memo No. 616 dated 17.05.2016 has been issued by which the career of the petitioner has stopped and as such the said letter created cause of action for the petitioner to seek relief before this Hon'ble Court.

6. Counsel for the petitioner further submits that there is an order passed by this Hon'ble Court in L.P.A. No. 290 of 2018 and the present application has been disposed of in the light of said order dated 04.12.2018 passed in L.P.A. No. 290 of 2018.

7. Counsel for the State on the other hand submits that counter affidavit has been filed by Respondent No. 3 i.e. from the department of ICDS, Government of Bihar. The specific stand has been taken by the answering respondent that the appointment of the petitioner has been made in the post of *Uddipika* by respondents with a view to proper implementation of scheme which was started as per the inter-party agreement between the Department for International Development (DFID), Government of U.K. of Great Britain and the Government of India. As per the terms and condition for allotment for funds, the funds has to be provided by the Department for International Development (DFID), Government of U.K. of Great Britain.



Memorandum of Understanding was prepared among Government of U.K. of Great Britain, the Government of India and Government of Northern Ireland acting through the department for International Development with a view to strengthening health in Bihar. The said M.O.U. was prepared in the year 2011 vide Memo. No. 354(12) dated 20.04.2011 for implementation of the SWASTH Programme and utilization of fund which is annexed as Annexure (A) of the counter affidavit.

8. Counsel for the petitioner submits that as per Clause-5 of the M.O.U. which has been prepared between the two countries, the said scheme has to start from 01.04.2010 and will have to end on 31.03.2016. Counsel further submits that after 31.03.2016 the said scheme has not been extended by the Department for International Development (DFID), Government of U.K. of Great Britain and as such the ICDS Department State of Bihar is not in a position to continue the same, and therefore, the said annexure-6 has been issued for general information to all the District Programme Officer as well as the persons like petitioners.

9. Counsel further submits that the appointment of the petitioner has been made on contractual basis only for one year which begins in 31.12.2014 and ends in the year 31.12.2015 as



contained in Annexure-2 of the writ petition.

10. Counsel for State further submits that this issue has been decided by this Hon'ble Court in C.W.J.C. No. 13292 of 2016 vide order dated 10.05.2017 and the case has been disposed off after considering all the facts and circumstances.

11. Counsel for State further submits that the case of the petitioner does not come under the preview of high level committee constituted by the Government of Bihar as prayed by the Counsel for the petitioner in L.P.A. No.290 of 2018, and therefore, State submits that it is not the fit case to refer the matter to high level committee.

12. Upon consideration of the case of the petitioner, it is very much clear to this Court that the appointment to the petitioners on the post of *Uddipika* was totally on contractual basis for one year beginning from 31.12.2014 to 31.12.2015 based on the programme for which contract took place between the Government of U.K. of Great Britain and the Government of India. Since the said funding has been stopped by the Government of United Kingdom of Great Britain, therefore, ICDS is not in a position to continue the same.

13. It transpires to this Court that the decision of the L.P.A. Court to refer this matter before a committee for



examining the case of employee for grant of benefit is only limited to payment and not for any regularization.

14. As such, this writ petition is disposed off directing the respondent to consider the case of petitioners only and only towards payment of their salary during contractual period as mentioned in Annexure-6.

15. This Court is not inclined to set aside Annexure-6 and therefore, Annexure-6 shall sustain.

16. Accordingly, this writ petition is disposed off.

(Dr. Anshuman, J)

Sunnykr/-

U			
---	--	--	--

