

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14788 of 2014

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Mamta Kumari W/o Rajesh Kumar Anganwari Sevika, Centre No. 59,
Punaichak, Mohanpur, P.S. - Shastri Nagar, in the District and Town - Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through its Principal Secretary, Family and Welfare Department, Govt. of Bihar, Patna.
2. The Director, I.C.D.S. Govt. of Bihar, Patna.
3. The District Magistrate, Patna.
4. The District Programme Officer, Patna.
5. The Child Development Project Officer, Patna.
6. Rinki Kumari, W/o Mr. Gaurav Kumar, R/o Vill- Mohanpur, Punaichak, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar, Advocate
For the State	:	Mr. Sudhanshu Bhushan, AC to GP-7
For Respondent No. 6	:	Mr. Prashant Sinha, Advocate
		Mr. Rishi Raj Raman, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 25-07-2024 Heard Mr. Sanjeev Kumar, learned counsel

appearing on behalf of the petitioner; Mr. Sudhanshu Bhushan,

learned AC to GP-7 appearing on behalf of the State and Mr.

Prashant Sinha, learned counsel for the respondent no. 6.

2. The petitioner in paragraph no. 1 of the present writ
petition has sought *inter alia* following relief(s), which is
reproduced hereinafter:

"(i) To issue a writ in the nature of certiorari to



quash the order dated 03.05.13 passed by learned District Magistrate in Misc. Appeal No. 59/2012, whereby and whereunder appeal of the petitioner vide Misc. Appeal No. 59/12 was dismissed.

(ii) Also to direct the respondent authority to reinstate the petitioner on the post of Anganwari Sevika for Anganwari Centre No. 59, Punaichak, Mohanpur under Patna Sadar block, Patna.

(iii) Also for any other relief/s for which the petitioner is found entitled in the eye of law."

2. Considering the law laid down by the Apex Court in case of ***State of Karnataka & Ors. vs. Ammerbi & Ors.*** reported in ***(2007) 11 SCC 681***, wherein, it has been held that there is no straitjacket formula that all the employees, who fall under the purview of Article- 12 of the Constitution would be government employees. Similarly, only because the State controls the Integrated Child Development Services (I.C.D.S.) Programme, its employees cannot take shelter under Article- 311 of the Constitution that in any manner, the selection process has not taken place in accordance with law.

3. It is further made clear that in the State of Bihar, the guidelines in respect of selection of 'Anganwari Sevika and Sahaikaa', cannot be said to have been enacted in accordance with Article-309 of the Constitution and the procedure followed as per the requirement of Article-311 of the Constitution necessitates in case of the 'Anganwari Sevika'.

4. I find that the writ petitions are not maintainable before this Court. The petitioners, however, may avail



appropriate remedy in accordance with law.

5. Accordingly, the present writ petitions stand disposed of.

(Purnendu Singh, J)

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