

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6126 of 2023

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Rubi Kumari W/o Raja Kumar, Resident of Village - Sain Bairiya, P.O. - Sain,
P.S. - Kanti, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Family and Social Welfare, Bihar, Patna.
2. The Director Integrated Child Development Services, Bihar, Patna.
3. The Divisional Commissioner, Tirhut Division, Muzaffarpur.
4. The District Magistrate, Muzaffarpur.
5. The District Programme Officer, (I.C.D.S.), Muzaffarpur.
6. The Child Development Project Officer, Kanti District - Muzaffarpur.
7. The Lady Supervisor, Child Development Project Office, Kanti, District - Muzaffarpur.
8. Rani Keshari, W/o Mukesh Sah, resident of Village - Sain Bairiya, P.O. - Sain, P.S. - Kanti, District - Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Raju Kumar, Advocate
For the Respondent/s	:	Mr. Md. Raisul Haque, (Sc 10)
		Mr. Binay Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 18-11-2024 Heard Mr. Raju Kumar, learned counsel appearing on behalf of the petitioner and Mr. Md. Raisul Haque, learned SC-10 along with Mr. Binay Kumar, learned counsel appearing on behalf of the respondent/s.

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

“(i) To issue an appropriate order/s, direction including a writ preferably in the nature of CERTOPRARI for quashing the



proposal NO. 04 taken in the meeting of Gram Panchayat Raj Sain for selection to the post of Anganbari Sevika for Centre NO. 303 in Ward No 11 of said Panchayat situated in Kanti P.S. and Block of District Muzaffarpur whereby and where under the private respondent has been selected to the post of Sevika in complete violation of guidelines, 2019 pertaining to selection of Anganbari Sevika/sahayika.

(ii) To direct the respondent NO. 5 and 6 to enquire into the matter of irregularity in selection process of Anganbari Sevika/ Sahayika for centre NO. 303 situated in village Panchayat Rain under Kanti Block of Muzaffarpur district.

(iii) To direct the respondent NO. 7 to appoint the petitioner to the post in question in the abovementioned Panchayat taking into the consideration that the petitioner is a member of schedule caste female and area is dominated by such caste.

(iv). To grant any other relief/reliefs for which the petitioner is entitled in the facts and circumstances of the case.”

3. 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.

4. 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'.

5. I find that the writ petition is not maintainable before this Court. The petitioner, however, may avail appropriate remedy in accordance with law.

6. Accordingly, the present writ petition stands disposed of.

(Purnendu Singh, J.)

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