

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13560 of 2013

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Parmeshwari Kumari, W/o Jagannath Yadav, Resident of Village - Thikaha,
Police Station - Rajnagar, Distric - Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Madhubani
3. The District Programme Officer, Madhubani
4. The Child Development Project Officer, Rajnagar, Madhubani

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Suraj Narain Yadav, Advocate
For the State : Mr. Sarvesh Kr. Singh, AAG-13
Mr. Arya Achint, AC to AAG-13

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

2 30-09-2024 Heard Mr. Suraj Narain Yadav, learned counsel

appearing on behalf of the petitioner and Mr. Sarvesh Kr. Singh,

learned AAG-13, along with Mr. Arya Achint, learned AC to

AAG-13 appearing on behalf of the State.

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

*“That this is an application for issuance of a writ in the nature of
Certiorari for quashing the order dated 12.04.2013 passed by the
respondent no.3 by which the service of the petitioner has been
terminated and directed the C.D.P.O., Rajnagar, deduct the
honorarium of Six months of the petitioner and for recovery of
the amount of Daily Posahar and/or fresh selection of Sevika*



within one month and further for issuance of a writ in the nature of Mandamus and/or any other appropriate writ/order/direction commanding upon the respondents to reinstate the petitioner in service and pay her the current as well as arrear of honorarium."

3. Learned counsel appearing on behalf of the petitioner submits that the petitioner was appointed as Anganbari Sevika on 22.02.2004 and thereafter on the allegation of having committed certain irregularities, she was terminated vide order dated 12.04.2013, as such, the petitioner seeks to avail appropriate remedy by filing suit before the competent civil court having jurisdiction for redressal of his grievance as prayed for in Para-1 of the writ petition in light of the law laid down by the Apex Court in case of ***State of Karnataka & Ors. vs. Ameerbi & Ors.*** reported in ***(2007) 11 SCC 681***.

4. The Apex Court in the case of ***Ameerbi (supra)*** has 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. 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.

5. It is further made clear that in the State of Bihar, the guidelines in respect 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'.

6. Considering the submission made on behalf of the petitioner, the present writ petition stands disposed of with liberty to the petitioner to file suit before the competent civil court having jurisdiction.

(Purnendu Singh, J.)

Mantreshwar/-
Ashishsingh/-

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