

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13443 of 2013

Neelam Kumari W/O Sri Tribeni Prasad Yadav, Resident Of Village- Ram
Nagar, P.S.- Pipra, District- Supaul

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Commissioner, Koshi Division, Saharsa
3. The District Magistrate, Supaul
4. The District Programme Officer, Supaul
5. The Sub-Divisional Officer, Supaul
6. The C.D.P.O., Pipra, P.S.- Pipra, District- Supaul
7. The Mukhia, Gram Panchayat, Ram Nagar, Under Pipra Block, District-
Supaul
8. The Panchayat Secretary, Gram Panchayat, Ram Nagar Under Pipra Block,
District- Supaul
9. Deepa Kumari W/O Sri Vijay Yadav Resident Of Village- Ram Nagar, P.S.-
Pipra, District- Supaul

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Yogendra Kumar, Advocate
For the Respondent/s : Mr.Kinkar Kumar, SC 9

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 30-09-2024 Heard Mr. Yogendra Kumar, learned counsel
appearing on behalf of the petitioner and Mr. Kinkar Kumar,
learned SC 9 for the State.

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 petition is not maintainable before this Court. The petitioner, however, may avail appropriate remedy in accordance with law.

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

(Purnendu Singh, J)

Sanjay/-

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