

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13720 of 2013

=====

Pooja Bharati, Wife of Sri Sunil Yadav, Resident of Village- Yadav Tola,
Chandi Asthan, Garhi Bishanpur, P.O. and PS.- Lakhisarai, District-
Lakhisarai

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Government of Bihar at Patna.
2. The Principal Secretary, Social Welfare Department, Government of Bihar at Patna
3. The Divisional Commissioner, Munger
4. The Collector, Lakhisarai
5. The District Education Extension Officer, Lakhisarai
6. The District Programme Officer, Lakhisarai
7. The Child Development Project Officer, Lakhisarai

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Diwakar Upadhyaya, Advocate.
For the Respondent/s : Mr. P.K. Verma, Sr. Advocate.

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 30-09-2024 Heard Mr. Diwakar Upadhyaya, learned counsel

 appearing on behalf of the petitioner and Mr. P. K. Verma,

 learned senior counsel for 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 issuing of appropriate writ/writs, order/orders, for setting aside the order dated 08.05.2013 passed by learned Commissioner, Munger Division, Munger, in Anganbari Sewika Revision Case No. 03 of 2013, whereby the revision preferred by the petitioner, being aggrieved with the order of the learned Collector Lakhisarai, in Miscellaneous (Service Appeal)



Case No. 14/2010-11, dated 28.01.2013 confirming the order of the learned District Programme Officer, Lakhisarai dated 08.11.2010, contained in Letter No. 500; has been rejected on erroneous consideration of law and facts; and consequently the petitioner may be reinstated as "Anganbari Sewika" at "Anganbari Centre Chandi Asthan, Garhi Bishanpur", Anganbari Centre No. 109 in the District of Lakhisarai (Munger)."

3. Learned counsel appearing on behalf of the petitioner submits that for redressal of the grievance as prayed for in Para-1 of the writ petition, the petitioner seeks to avail appropriate remedy by filing suit before the competent civil court having jurisdiction 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 avail appropriate remedy before the competent civil court having jurisdiction.

(Purnendu Singh, J)

ashishsingh/-

U			
---	--	--	--

