

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7580 of 2022

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Pramila Devi @ Pramila Kumari Wife of Sri Sunil Singh @ Sunil Kumar,
resident of Village- Padarauna Khurd, P.O.- Hardiyan, P.S.- Barharia, Block-
Barharia, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Director, Integrated Child Development Scheme, (I.C.D.S.), Bihar,
Patna.
3. The District Magistrate, Siwan.
4. The District Programme Officer, I.C.D.S., Siwan.
5. The Child Development Project Officer, Barharia, Siwan.
6. Ranjana Kumari Wife of Arun Kumar Yadav Resident of Village- Padarauna,
P.O.- Barharia, P.S.- Barharia, Block- Barharia, District- Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Raghav Prasad, Advocate
For the State	:	Mr.Md. Raisul Haque (Sc 10)
For the respondent No.6	:	Mr. Ashok Kumar Verma, Advocate
		Mr. R. C. Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 03-01-2024

The present writ petition has been filed
seeking the following relief:-

*"That this is an application on behalf of
petitioner for issuance of a writ of certiorari
for quashing/setting aside the order dated
08.07.2021 passed by District Magistrate,*



Siwan in Aanganbari Appeal No. 15/19-20 (Annexure- 4) by which the order dated 11.04.2019 passed by District Programme Officer, Siwan in Aanganbari Misc Case No.57/17-18 (Annexure-2) has been set aside and thereby the selection/appointment of petitioner on the post of Aanganbari Sevika for the Centre No.11 under Gram Panchayat Raj- Padarauna Khurd in Siwan District has been cancelled AND petitioner further prays for quashing/setting aside the consequential order bearing memo no.216 dated 30.03.2022 (Annexure-5) by which petitioner has been terminated from the post of Aanganbari Sevika and petitioner has been asked to hand over the charge to private respondent no.6."

2. At this juncture, this Court would refer to a judgment rendered by a co-ordinate Bench of this Court in the case of **Seema Kumari vs. The State of Bihar and others**, reported in **(2015) SCC Online Pat 7267**, paragraphs no. 9 to 11 whereof, are reproduced herein below:-

"9. As noted above, the Anganbari Sevika is not a government servant and has no protection under Article 311(2) of the



Constitution of India so as to envisage the concept of regular departmental proceeding. The petitioner was given a notice. She was informed about the allegation against her. She had filed her show-cause reply which was considered by the District Programme officer and when the order went against her, she had also been given adequate opportunity by the appellate authority who, in fact, had himself got the matter verified by referring the matter to the Bihar Sanskrit Board.

10. In that view of the matter, this Court would not find any error in the impugned order of termination of the services of the petitioner when it is found that the petitioner had got appointment by producing a document in support of qualification which was found to be incorrect/forged.

11. Thus for the reasons indicated above, this application must fail and is, accordingly, dismissed."

3. It would be apt to refer to yet another judgment rendered by the learned Division Bench of this Court in the case of **Neetu Kumari v. The State of Bihar and others**, reported in **2011 (4) PLJR 20**, paragraphs no. 4 and 5 whereof are



reproduced herein below:-

“4. In our considered view, the post of Anganbari Sevika is not a post having security of tenure or protection under Article 311 of Constitution of India. Considering the very nature of engagement which provides of honorarium, we are of the view that in case the appellant still feels aggrieved, she may approach the Civil Court for damages. There is nothing at stake in such a scheme other than honorarium. For such contractual engagements the relief of reinstatement is not appropriate and even if there is breach of the scheme or any other principle of law, the claim should ordinarily be permitted, if found good on merits, only for damages.

5. The appeal is dismissed.”

4. Considering the law laid down by the learned Division Bench of this Court, as aforesaid, the learned counsel for the petitioner seeks not to press the present writ petition, however, seeks liberty on behalf of the petitioner to avail such other alternative remedies as are otherwise available under the law, including that of filing a suit before the learned civil court of competent jurisdiction. Liberty, so sought, is granted.



5. The writ petition stands dismissed as not pressed.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.01.2024
Transmission Date	NA

