

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12702 of 2014

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Aparna Kumari W/o Sanjay Kumar R/o Muhalla- Gardanibagh, P.S.-
Gardanibagh in the district of Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director I.C.D.S. Bihar, Patna.
3. The District Program officer, Patna.
4. The District Magistrate, Patna.
5. The C.D.P.O. Bakhtyarpur, Patna.
6. Arachana Kumari, Wife of Sri Gunjan Kumar, Resident of Village- Jogiya
Toil, P.S. Gardanibag, District Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Advocate

For the Respondent/s : Mr.M.Haque, GP12
Mr.Pranoy Kumar, AC to GP 12

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

7 24-09-2024 Heard Mr. Sanjeev Kumar, learned counsel

appearing on behalf of the petitioner and Mr. M.Haque (GP 12)

along with Mr. Pranoy Kumar, learned AC to GP 12 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:

***“(I) To quash the order 01.03.13 passed in Appeal
No.151/2010 by District Magistrate, Patna whereby
and whereunder appeal of the petitioner was
rejected as well as order dated 28.06.12 passed by
District Programme Officer, Patna whereby and***



whereunder selection of the Jute petitioner as Anganwari Sevika of Centre Code No.03 under Patna Sadar 2 Project was cancelled.

(II) Also direction be issued about re-reinstatement of the petitioner on the post of Anganwari Sevika of Code No.03 under the project of Patna Sadar 2.

(III) And any other relief/relief for which the petitioner may found entitled in the eye of law.”

3. Considering the law laid down by the Apex Court in case of State of ***Karnataka & Ors. vs. Ameerbi & 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 petitioners, however, may avail appropriate remedy in accordance with law.

6. Accordingly, the present writ petitions stand disposed of.

(Purnendu Singh, J)

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