

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8154 of 2012

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Mamta Devi Wife Of Sri Raj Kumar Paswan Resident Of Village
Shreerampur Ayodhya P.S. Waini, District Samastipur

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Social Welfare, Government of Bihar, Patna.
2. The Director, Department Of Social Welfare, Icds Directorate, State Of Bihar, Patna
3. The Commissioner Darbhanga Commissioner, Darbhanga
4. The District Magistrate, Samastipur
5. The District Programme Officer, Samastipur
6. The Child Development Programme Officer, Pusa Block, District - Samastipur
7. The Mukhiya, Gram Panchayat Raj Gangapur, Block Pusa, District Samastipur
8. The Panchayat Secretary, Block Pusa, District Samastipur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Sinha, Advocate
For the Respondent/s : Mr. Rajesh Kumar, GP 8

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 16-01-2024 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

2. The present writ application has been filed for setting
aside the order dated 27.12.2011 passed by the respondent no. 3
in Case No. 32 of 2011 by which he has rejected the appeal of
the petitioner on the ground of the limitation.

3. Learned counsel for the petitioner outrightly submits
that this writ petition may be disposed of with liberty to the



petitioner to move before the appropriate forum in accordance with the law as this case is not maintainable in view of the paragraph no. 4 of the judgment of Division Bench of this Court rendered in the case of **Neetu Kumari Vs. State of Bihar and Ors** reported in **2011 (4) PLJR 20** which reads as follows:-

“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 for honorarium, we are not 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.”

4. Accordingly, this writ petition is disposed of with the liberty to the petitioner to move before the appropriate forum in accordance with the law.

(Rajesh Kumar Verma, J)

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