

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20949 of 2012

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July Devi @ July Kumari D/O Shyam Yadav And W/O Subhash Chandra
Yadav R/O Village- Mahuabaran, Ward No. 12, P.S.- Bounsi, Panchayat
Angaru Jabra, District- Banka

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. District Magistrate Cum Collector, Banka
3. District Programme Officer, Banka
4. Children Development Project Officer, Bounsi, Banka
5. Block Development Officer, Bounsi, Banka
6. Mukhiya, Angaru Jabra Panchayt Bounsi Block, P.S.- Bounsi, District-
Banka
7. Asha Kumari W/O Raj Kumar Yadav, D/O Baleshwa.. Mahto R/O Villge-
Mahuabaran Panchayt Angaru Jabra, P.S.- Bounsi, District- Banka
8. Doly Kumari D/O Amika Yadav R/O Village- Sanjha, P.S.- Rajoun, District-
Banka

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dhaneshwar Prasad Gupta, Advocate
For the State	:	Mr. Manish Kumar, A C to AAG 6 (Ex) (In-charge AAG 5)
For private respondents	:	Mr. Balram Kapri, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 07-10-2024 Heard Mr. Dhaneshwar Prasad Gupta, learned counsel

appearing on behalf of the petitioner; Mr. Manish Kumar

learned counsel for the State and Mr. Balram Kapri learned

counsel for the private respondents. .

2. Petitioner has *inter alia* prayed for following reliefs

in the paragraph No.1 of the writ petition:-

(A) A writ in the nature of mandamus or
any other appropriate writ, order, direction



commanding the respondents to act in accordance with law and to verify the genuineness of the claim of Asha Kumari (Respondent No.7) for being appointed on the post of Aanganbari Sewika for ward No.12 of Mahuabaran Panchayat Angaru Jabra under Bounsi Block, District Banka as well as her candidature it self and to consider the question raised by the petitioner against the candidature and genuiness of the claim of Asha Kumari (Respondent No.7) and to restrain from appointing her as such.

(B) Any other relief to which the petitioner i is found entitled to”

3. 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.

4. 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'.

5. I find that the writ petition is not maintainable before this Court. The petitioner, however, may avail appropriate remedy in accordance with law.

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

7. Interlocutory Application(s), if any, also stands disposed of.

(Purnendu Singh, J)

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