

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12526 of 2013

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Kaushalya Kumari Wife Of Ram Sagar Manjhi Resident Of Village -
Bangara, P.S. - Maharajganj, District – Siwan. Petitioner/s
Versus

1. The State Of Bihar
 2. The Principal Secretary, Human Resources Development Department,
Government Of Bihar, Patna
 3. The Director, I.C.D.S, Government Of Bihar, Patna
 4. The Divisional Commissioner, Chapra, District - Chapra
 5. The District Magistrate, Siwan
 6. The District Programme Officer, Siwan, District - Siwan
 7. The Child Development Programme Officer, Maharajganj Block, District -
Siwan
- Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate
For the State : Mr. Manoj Kumar, AC to GP-4

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 03-09-2024 Heard Mr. Sanjay Kumar Singh, learned counsel

appearing on behalf of the petitioner and Manoj Kumar, learned

AC to GP-4 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 application is being filed for issuance of an appropriate writ/ writs, order/ orders for quashing the order dated 28.09.2012 passed in Miscellaneous Appeal Case No. 116/2012-13 and quashing the order bearing memo no.1161 dated 18.07.2012 issued under the signature of Respondent no.6 by which the selection of the petitioner as Aanganbari Sevika has cancelled without enquire the matter and further for direction to allow the petitioner for work as Aanganbari Sevika and further for any other relief/ reliefs for which the petitioner is entitled to the fact and circumstances of the case."

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 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 petitioner, however, may avail appropriate remedy in accordance with law.

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

(Purnendu Singh, J.)

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