

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23176 of 2012

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Veena Kumari Wife Of Sri Vinod Kumar Resident Of Village- Mukundpur
Bhath Khas Patti, P.O.- Mukundpur Bhath, P.S.- Jandaha, Distt.- Vaishali

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Department Of Social Welfare, Government Of Bihar, Patna
3. The Commissioner, Tirhut Division, Muzaffarpur
4. The District Magistrate, Vaishali, Hajipur
5. The District Programme Officer, Department Of Social Welfare, Vaishali, Hajipur
6. Sudha Kumari Wife Of Mithilesh Kumar Jha Presently Lady Supervisor, Block Mahua, Distt.- Vaishali

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shekhar Singh, Advocate

Mr. Sumit Kumar, Advocate

For the Respondent/s : Mr. Subodh Kr., AC to SC 26

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 24-09-2024 Heard Mr. Shekhar Singh along with Mr. Sumit Kumar, learned counsels appearing on behalf of the petitioner; Mr. Subodh Kr., AC to SC 26 for the State.

2. Petitioner has *inter alia* prayed for following reliefs
in the paragraph No.1 of the writ petition:-

*a) For quashing the order dated 11.06.2012
passed in Service Appeal No.131/2012 passed by the
respondent no.3 filed against the non inclusion of the
name in the provisional panel issued by the District
Programme Officer, Vaishali for the appointment of
Lady Supervisor.*

b) For quashing the merit list contained in



the memo no.611 dated 27.03.2012 for appointment of Lady Supervisor, which has been referred in the aforesaid order dated 11.06.2012 passed in Service Appeal No.131/2012 but not interfered in erroneous manner in view of the facts and circumstances mentioned in this writ application.

c) For a direction to the respondent authorities to appoint the petitioner as Lady Supervisor on the post earmarked for the 'Anganbari Sevikas' in pursuant to the resolution of Social Welfare Department, Govt. of Bihar contained in memo No.09/I.C.D.S.-1068/2001-1846 dated 10.06.2010.

d) For any other relief/reliefs for which the petitioner is entitled."

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)

Sanjay/-

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