

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14348 of 2012

Shyma Kumari W/O Sri Prabhat Kumar Roy Resident Of Mohalla- Kaishtha Tola, Ward No. 28 Near Rajendra Middle School, Saharsa, P.S. Sadar (Saharsa), District- Saharsa

... .. Petitioner/s

Versus

1. The State Of Bihar, through the Principal Secretary, Social Welfare Department, Govt. of Bihar, Patna.
2. The Director, I.C.D.S. Social Welfare Department, Govt. Of Bihar, Patna
3. The Commissioner, Kosi Division, Saharsa
4. The District Magistrate, Saharsa
5. The District Programme Officer, Saharsa
6. The District Development Commissioner, Saharsa
7. The Block Development Officer, Kahara, Saharsa
8. The Child Development Project Officer, Kahara, Saharsa
9. Renu Kumari W/O Ganesh Yadav Sevika Aanganbari, Kendra No. 56 (Veni Sharma Darwaja), Resident Of Mohalla- Kaishtha Tola Ward No. 28, P.S.- Sadar, Prakhanda Kahara, District- Saharsa.
10. Director, Forensic Science Laboratory, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Dilip Kumar Roy, Advocate
For the Respondent/s	:	Mr. Sanjay Kr No.2, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 25-01-2024

Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

2. 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 Others 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.”

3. 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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AFR/NAFR	NAFR
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