

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13809 of 2013

Suchita Devi Wife Of Sri Birendra Rai Resident Of Village - Kesopur, P.S. -
Vaishali, District – Vaishali Petitioner/s

Versus

1. The State Of Bihar
2. Director, Integrated Child Development Service I.C.D.S, Bihar, Patna
3. The Collector-Cum-District Magistrate, District - Vaishali
4. District Programme Officer, District - Vaishali
5. Child Development Programme Officer C.D.P.O., Block - Vaishali, District -
Vaishali
6. Mrs. Jyoti Rai, W/o Sri Vijay Rai, Resident of Vill-Kesavpur, P.S.+District-
Vaishali

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan, Advocate
For the Respondent/s : Mr. U.S.S. Singh, GP-1

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 30-09-2024 Heard Mr. Rajeev Ranjan, learned counsel
appearing on behalf of the petitioner and Mr. U.S.S. Singh,
learned GP-1 appearing on behalf of 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:-

(i) For directing and commanding the respondents to quash the order dated 18.9.12 (Ann-2) passed in case no. 224/2012 by the respondent no.- 4, District Programme Officer, District-Vaishali by which he has cancelled Anganbari centre no.53 of the petitioner, Block Vaishali, District-Vaishali as well as for quashing the order dated 2.4.13 (Ann- 4) passed in Appeal case no. 164/12 "Suchita Devi Vrs. D.P.O., Vaishali" passed by respondent no.- 3, the Collector-cum-District Magistrate, District Vaishali by which he has confirmed the aforesaid order.



(ii) And also for any other relief/ relieves for which petitioner is found to be legally entitled under the facts and circumstances of the case.”

3. Learned counsel appearing on behalf of the petitioner submits that the petitioner was appointed as Anganbari Sevika in the year 2007 and thereafter on the allegation of having committed certain irregularities, she was terminated vide order dated 18.09.2012, as such, the petitioner seeks to avail appropriate remedy by filing suit before the competent civil court having jurisdiction for redressal of his grievance as prayed for in Para-1 of the writ petition in light of the law laid down by the Apex Court in case of ***State of Karnataka & Ors. vs. Ameerbi & Ors.*** reported in ***(2007) 11 SCC 681.***

4. The Apex Court in the case of ***Ameerbi (supra)*** has 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. 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.

5. 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'.

6. Considering the submission made on behalf of the petitioner, the present writ petition stands disposed of with liberty to the petitioner to avail appropriate remedy before the competent civil court having jurisdiction.

(Purnendu Singh, J.)

Mantreshwar/-
Ashishsingh/-

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