

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13937 of 2013

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1. Manorma Kumari, Wife of Bijay Yadav, Resident of Village- Aalampur, P.O. + P.S.- Fesher and District- Aurangabad (Bihar)
 2. Gyanti Devi, wife of Lal Mohan Ram, Resident of Village- Aalampur, P.O. P.S.- Fesher And District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Social Welfare, Government of Bihar, Patna
2. The Director, I.C.D.S., Bihar, Patna
3. The District Magistrate, Aurangabad
4. The District Programme Officer, Aurangabad
5. The Child Development Project Officer, Aurangabad

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Verma, Advocate
For the Respondent/s : Mr. M.N.H. Khan, SC-1.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 30-09-2024 Heard Mr. Anirudh Kumar Verma, learned counsel appearing on behalf of the petitioners and Mr. M.N.H. Khan, learned SC-1 appearing on behalf of the State.

2. The petitioners, in paragraph no. 1 of the present writ petition, have sought, *inter alia*, following relief(s), which is reproduced hereinafter:-

“That this petition is being filed for setting aside the order dated 15.02.2010 passed in case no.19 of 2008 by the District Programme Officer, Aurangabad order dated 26.10.12 passed in appeal no.1 of 2012 by the District Magistrate, Aurangabad and order dated 27.12.12 passed in Anganbadi Appeal/Revision no.386 of 2012 by the Commissioner, Magadh Division, Gaya.”

3. Learned counsel appearing on behalf of the



petitioners submits that for redressal of the grievance as prayed for in para-1 of the writ petition, the petitioners seek to avail appropriate remedy by filing suit before the competent civil court having jurisdiction 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 petitioners, the present writ petition stands disposed of with



liberty to the petitioners to avail appropriate remedy before the
competent civil court having jurisdiction.

(Purnendu Singh, J.)

Mantreshwar/-
Ashishsingh/-

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