

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13090 of 2013

=====

Punam Devi, W/O Shashi Bhushan Prasad, Permanent Resident Of Village-
Mabbi Belona, P.S- Sadar Darbhanga, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Director I.C.D.S. Bihar, Patna.
3. District Magistrate- Cum- Collector, Darbhanga.
4. District Program Officer, Darbhanga.
5. Child Development Project Officer, Darbhanga, Gramin, District-
Darbhanga.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate
For the Respondent/s : Mr. Ranjeet Kumar, AC to GP 26

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 30-09-2024 Heard Mr. Arun Kumar, learned counsel appearing
on behalf of the petitioner; Mr. Ranjeet Kumar, learned AC to
GP 26 for the State.

2. 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.

3. 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'.

4. I find that the writ petition is not maintainable before this Court. The petitioner, however, may avail appropriate remedy in accordance with law.

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

(Purnendu Singh, J)

Sanjay/-

U			
---	--	--	--

