

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12386 of 2013

=====

Sushma Kumari Wife Of Anil Prasad, Resident Of Village - Chandi (West)
Ward No. 3, P.S. - Ariari, District - Sheikhpura

... .. Petitioner/s

Versus

1. The State Of Bihar through the Commissioner-cum-Secretary, Social Welfare Department, Govt. of Bihar, Patna.
2. The Director, I.C.D.S. Govt. Of Bihar, Patna
3. The Commissioner, Munger Division, Bihar
4. The District Magistrate, Sheikhpura
5. The District Welfare Officer-Cum-Programme Officer, Sheikhpura
6. The District Programme Officer, Sheikhpura
7. The Child Development Project Officer, Areari, Sheikhpura
8. The Circle Officer, Areari Block Sheikhpura
9. The Block Development Officer, Areari Block, Sheikhpura
10. Arpana Kumari Wife Of Sunil Prasad Resident Of Village - Chandi, P.S. - Areari, District - Sheikhpura

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Arvind Kumar, Advocate
For Respondent No. 10	:	Mr. Md. Fazal Rahman, Advocate
		Mr. Anisur Rahman, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 02-09-2024 Heard Mr. Arvind Kumar, learned counsel appearing on behalf of the petitioner and Mr. Md. Fazal Rahman, learned counsel along with Mr. Anisur Rahman, learned counsel for the respondents.

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

"That the present application is for issuance of a



writ of certiorari quashing the order dtd. 01.06.2013 passed in Service Appeal No. 54 of 2012 by the Divisional Commissioner, Munger whereby and whereunder the Divisional Commissioner, Munger has cancelled the appointment of the petitioner and set - aside the order of lower court and directed the appropriate authorities to start selection process afresh. And/or pass such other order of orders as Your Lordship may think fit and proper."

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 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'.

4. I find that the writ petitions are not maintainable before this Court. The petitioners, however, may avail appropriate remedy in accordance with law.



5. Accordingly, the present writ petitions stand disposed of.

(Purnendu Singh, J)

Niraj/-

U			
---	--	--	--

