

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12511 of 2013

=====

Madhuri Kumari, Wife Of Sri Arbind Kumar, Resident Of Village - Kajichak,
Police Station - Islampur, District - Nalanda

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Social Welfare Department, Government Of Bihar,
Patna
3. The Director, I.C.D.S. Directorate, Bihar, Patna
4. The Deputy Director, I.C.D.S. Directorate, Bihar, Patna
5. The Commissioner, Patna Division, Patna
6. The District Magistrate, Nalanda, Bihar Sharif
7. The District Program Officer, Nalanda, Bihar sharif
8. The Child Development Project Officer, Islampur, Nalanda
9. The Lady Supervisor, Islampur, Nalanda

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the State : Mr. Manoj Kumar, AC to GP-4

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 03-09-2024 Heard Mr. Anil Kumar, learned counsel appearing on
behalf of the petitioner and Mr. Manoj Kumar, learned AC to
GP-4 for 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:

*"That this is an application for issuance of an appropriate writ or
writs for quashing the order dated 29.01.2013 passed by
Respondent No.5 in Misc. Appeal Case No.445 of 2012 affirming
the order dated 08.09.2012 passed in Misc. No. Anganbari Case*



No.115 of 2012 by the District Magistrate Respondent No.6 affirming the Memo No.2647 dated 30.06.2012 passed by Respondent No.7, by which the appointment of the Petitioner as Anganbari Sevika has been cancelled on the ground of closure of the Centre. The respondent be further directed to not to give effect to the orders till the disposal of this writ application.”

3. 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.

4. 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'.

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



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

(Purnendu Singh, J.)

Ashishsingh/-

U			
---	--	--	--

