

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.13505 of 2013**

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Mala Kumari, W/O Sri Bhupendra Prasad Singh, Resident Of Village-  
Ranginia, Police Station- Bakhtiyarpur, District- Saharsa.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director, Social Welfare, Patna.
3. The Commissioner, Koshi Division, Saharsa.
4. The District Magistrate, Saharsa.
5. The District Programme Officer, Saharsa.
6. The Chief Development Officer, Simri Bakhtiyarpur, Block, Saharsa.
7. Babita Kumari W/O Sri Mahendra Prasad Sah Resident Of Village-  
Ranginia, Police Station- Bakhtiyarpur, District- Saharsa.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Jitendra Kumar Giri, Advocate  
For the Respondent/s : Mr.Rakesh Kr Samrendra, Advocate

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**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

3      30-09-2024                      Heard Mr. Jitendra Kumar Giri, learned counsel  
  
appearing on behalf of the petitioner and Mr. Rakesh Kr.  
  
Samrendra, learned counsel for the respondents.

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.

6. Interlocutory Application(s), if any, also stands disposed of.

**(Purnendu Singh, J)**

Sanjay/-

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