

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9905 of 2024

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Shabya Devi @ Shabya Kumari Wife of- Ashok Tiwari, Resident of Village-
Tetari, Block- Chenari, P.S.-Chenari, District- Rohtas, Sasaram.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Government of Bihar, Patna.
2. The Principal Secretary, Social Welfare Department, Govt. of Bihar, Patna.
3. The Director, ICDS, Bihar, Patna
4. The District Magistrate, Rohtas, Sasaram
5. The District Programme Officer, District Programme Section, Rohtas, Sasaram, Bihar
6. The Child Development Project Officer, Chenari, Rohtas, Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar Singh, Advocate
For the Respondent/s : Mr. Amit Bhushan, AC to GP 17

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 03-07-2024 The petitioner has filed the instant writ petition for quashing the order dated 13th June 2023 passed by the District Programme Officer, Sasaram, Rohtas, whereby the selection/appointment of the petitioner as *Anganwadi Sevika* of Tetari Centre No. 46 under Chenari Block in the District of Sasaram, Rohtas was cancelled due to pendency of a criminal case against her.

2. Having heard the learned Advocates appearing on behalf of the parties, I would like to record that the instant writ petition is not maintainable under Article 226 of the



Constitution of India because the post of *Anganwadi Sevika* is not a post having security of tenure or protection under Article 311 of the Constitution of India.

3. Considering the very nature of engagement which provides honorarium, the remedy of the petitioner does not lie in the constitutional writ jurisdiction. If the petitioner feels aggrieved, she may approach the Civil Court of competent jurisdiction for appropriate relief. Since, the appointment of *Anganwadi Sevika* is under the scheme where they are entitled to get honorarium and the nature of employment is absolutely contractual, the relief of reinstatement is not appropriate and even if there is breach of scheme or any principle of law, the claim should ordinarily be permitted if found good on merits, only for damages. Further, the decision of this Court in *Neetu Kumari v. The State of Bihar and Others*, reported in **2011 (4) PLJR 20**, is referred to in connection with the instant writ petition.

4. Following the aforesaid decision, a Co-ordinate Bench of this Court reiterated the same view in of *Parvati Devi @ Parvati Singh vs. the State of Bihar and Ors.* reported in **2024(1) BLJ 178** and also in *Urmila Kumari vs. The State of Bihar and Ors.* reported in **2024(1) BLJ 361**.



5. The same view was also taken by another Co-ordinate Bench in an unreported decision dated 29th January 2024 passed in *CWJC No. 2661 of 2018 (Geeta Devi Vs. The State of Bihar & Ors.)*

6. Following the aforementioned decisions, the instant writ petition is dismissed.

(Bibek Chaudhuri, J)

Suraj Dubey/-

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