

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11417 of 2023

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Mala Bharti W/o Kailash Das, Resident of Village- Dudhari, Police Station- Banka, District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Social Welfare Department, Old Secretariat, Govt. of Bihar, Patna.
2. The Director, Integrated Child Development Scheme, Indira Bhawan, East Boring Canal Road, Patna.
3. The Divisional Commissioner, Bhagalpur Division, District- Bhagalpur.
4. The District Magistrate, District- Banka.
5. The District Program Officer, District- Banka.
6. The Child Development Project Officer, Katoria, District- Banka.
7. Tarannum Khatun W/o - Md Dawood Ansari, Village- Jugli Rai Kura, P.S.- Katoria, District- Banka, 813106.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vikram Singh, Advocate
For the Respondent/s : Mr.Prashant Pratap (GP-2)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 02-01-2024 The present writ petition has been filed
seeking the following reliefs:-

"1. (i) For quashing of the order dated 30.01.2021 passed in Misc. (Anganwadi) Appeal Case No. 15/2019-20 by respondent Commissioner, Banka confirming the termination of the petitioner from the post of Lady Supervisor by the District Magistrate, Banka through Memo No. 1093 dated 16.09.2019 without application of mind.



(ii) For quashing of the order dated 16.09.2019 contained in Memo No. 1093 issued under signature of respondent District Magistrate, Banka by which petitioner has been disengaged from the post of Lady Supervisor without considering the facts and circumstances of the case.

(iii) For direction upon the respondents authorities to reinstate the petitioner on the post of Lady Supervisor consequential relief."

2. At this juncture, this Court would refer to a judgment rendered by a co-ordinate Bench of this Court in the case of **Seema Kumari vs. The State of Bihar and others**, reported in **(2015) SCC Online Pat 7267**, paragraphs no. 9 to 11 whereof, are reproduced herein below:-

"9. As noted above, the Anganbari Sevika is not a government servant and has no protection under Article 311(2) of the Constitution of India so as to envisage the concept of regular departmental proceeding. The petitioner was given a notice. She was informed about the allegation against her. She had filed her show-cause reply which was considered by the



District Programme Officer and when the order went against her, she had also been given adequate opportunity by the appellate authority who, in fact, had himself got the matter verified by referring the matter to the Bihar Sanskrit Board.

10. In that view of the matter, this Court would not find any error in the impugned order of termination of the services of the petitioner when it is found that the petitioner had got appointment by producing a document in support of qualification which was found to be incorrect/forged.

11. Thus for the reasons indicated above, this application must fail and is, accordingly, dismissed.”

3. It would be apt to refer to yet another judgment rendered by the learned Division Bench of this Court in the case of **Neetu Kumari v. The State of Bihar and others**, reported in **2011 (4) PLJR 20**, paragraphs no. 4 and 5 whereof are reproduced herein below:-

“4. In our considered view, the post of Anganbari Sevika is not a post having security of tenure or protection under



Article 311 of Constitution of India. Considering the very nature of engagement which provides of honorarium, we are of the view that in case the appellant still feels aggrieved, she may approach the Civil Court for damages. There is nothing at stake in such a scheme other than honorarium. For such contractual engagements the relief of reinstatement is not appropriate and even if there is breach of the scheme or any other principle of law, the claim should ordinarily be permitted, if found good on merits, only for damages.

5. The appeal is dismissed."

4. Considering the aforesaid aspect of the matter, the learned counsel for the petitioner seeks not to press the present writ petition, however, seeks liberty on behalf of the petitioner to avail such other alternative remedies as are otherwise available under the law, including that of filing a suit before the Ld. Civil Court having competent jurisdiction, for redressal of the aforesaid grievances. Liberty, so sought, is granted.



5. The writ petition stands dismissed.

(Mohit Kumar Shah, J)

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