

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12301 of 2023

Bandna Kumari W/o Deepak Kumar Paswan, Ward No. - 3, Village-
Kalagovindpur, Jiwachhpur, P.S - Bhimpur, Supaul, Bihar - 852125.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Government of Bihar Patna.
2. The Additional Chief Secretary, Social Welfare Department, Government of Bihar, Patna.
3. The District Programme Officer (Establishment) Khagaria.
4. The Block Development Officer, Alauli, Khagaria.
5. The Child Development Project Officer, Khagaria.
6. Shanti Devi, Wife of Manoj Paswan, Ward No. -3, Village - Kalagovindpur, Jiwachhpur, P.S. - Bhimpur, Supaul, Bihar - 852125.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mrs.Shilpi Keshri, Advocate
For the Respondent/s : Mr.Sunil Kumar Mandal (SC- 3)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 08-01-2024 The present writ petition has been filed
seeking the following relief:-

"1. That this is an application for issuance of writ in the nature of Certiorari for quashing the order dated 25/03/2023 passed in Aanganbadi Appeal Case No.- 06/2023 which was heard along with Aanganbadi Appeal Case No.- 03/2023 whereby and whereunder the learned court has affirmed the order of the court below and has directed the appointment of Respondent No. 6 on the post of



Aanganbadi Sevika while rejecting the application of the petitioner."

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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