

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10316 of 2024

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Ruma Devi Wife of Bishundeo Pandit, Resident of Village-Fatehpur, Ward No. 12, P.O.-Jamalpur Gogri, P.S.-Gogri, District-Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Social Welfare Department, Govt. of Bihar, Patna.
2. The Divisional Commissioner, Munger Division, Munger.
3. The Director Social Welfare Department, Govt. of Bihar, Patna.
4. The Director, I.C.D.S. Bihar, Patna.
5. The Collector, Khagaria.
6. The District Programme Officer, Khagaria.
7. The Child Development Project Officer, Gogri, District-Khagaria.
8. Reena Kumari wife of Nabin Kumar Pandit, resident of Village-Fatehpur, Ward No. 12, P.O.-Jamalpur Gogri, P.S.-Gogri, District-Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ram Nibash Prasad, Advocate
For the Respondent/s : Mr.Sarvesh Kumar, GP 24

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

- 2 09-07-2024 1. The present writ petition has been filed for quashing the order, dated 17.12.2022, issued *vide* Memo No. 1319, dated 19.12.2022, passed in Anganwari Appeal Case No. 02 of 2021, by the District Programme Officer, Khagaria, the Respondent No. 6, as contained in Annexure- - P/7, whereby and whereunder, the selection of the petitioner to the post of *Anganwari Sevika* has been cancelled, and further directed the Child Development Project Officer, Gogri to select the Respondent No. 8 to the post of *Anganwari Sevika* within 7 days



in Anganwari Centre No. - 257 of Fatehpur Ward No. 12,
Panchayat Raj Rampur.

2. At the outset, I have no hesitation to hold that the instant writ petition is not maintainable under Article 226 of the Constitution of India because the post of Anganwari 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 for 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 Anganwari Sevika is under scheme where they are entitled to get the honorarium and the nature of employment is absolutely contractual, the grievance for non-consideration of her candidature cannot be decided under the Constitutional Writ Jurisdiction.

4. The decision of this Court in *Neetu Kumari v. The State of Bihar & Ors.*, reported in *2011 (4) PLJR 20* may be referred to in this regard.

5. Recently, a Coordinate Bench of this Court reiterated the same view in *Parvati Devi v. State of Bihar &*



Ors., reported in *2024 (1) BLJ 178* and also in *Urmila Kumari v. State of Bihar & Ors.*, reported in *2024 (I) BLJ 361*. The same view was also taken by another Coordinate Bench in an unreported decision, dated 29.01.2024, passed in *C.W.J.C. No. 2661 of 2018 (Geeta Devi v. The State of Bihar & Ors.)*.

6. Following the above-mentioned decisions, I am not in a position to take any contrary view and the instant writ petition is dismissed.

7. However, the petitioner is at liberty to pray for appropriate relief before the Civil Court of competent jurisdiction.

(Bibek Chaudhuri, J)

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