

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14785 of 2014

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Sita Kumari W/o Ram Lalit Yadav Resident of Village Habidhi, P.S. Baheri,
District - Darbhanga.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary Social Welfare Department, Secretariat Bihar, Patna.
2. The Director, Social Welfare Department Secretariat Bihar, Patna.
3. The Director, I.C.D.S. Indira Bhawan Hartali More, Bailey Road, Patna.
4. The District Magistrate, Darbhanga.
5. The District Programme Officer, Darbhanga.
6. The Block Development Officer, Baheri, Darbhanga.
7. The Child Development Project Officer, Baheri Darbhanga.
8. Juli Devi W/o Sanjay Singh resident of village - Habidih, P.S. Baheri, District - Darbhanga.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 17053 of 2014

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Julee Devi, Wife of Sanjay Kumar Singh, Resident of Village- Hawidih, P.O.-
Hawidih, Police Station- Baheri, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Director, I.C.D.S. Social Welfare Department, Govt. of Bihar, Patna.
3. The Collector, Darbhanga.
4. The Commissioner, Darbhanga Division, Darbhanga.
5. The District Programme Officer, Darbhanga.
6. The Child Development Project Officer, Block- Baheri, District- Darbhanga.
7. The Panchayat Sewak of Gram Panchayat Raj Hawidih, Block- Baheri, District- Darbhanga.
8. Mukhia of Gram Panchayat Raj Hawidih, Block- Baheri, District- Darbhanga.
9. Sita Kumari wife of Lalit Yadav, Resident of Village- Howidih, Police Station- Baheri, District- Darbhanga.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 14785 of 2014)

For the Petitioner/s : Mr. Manish Kumar No. 13, Advocate
Mr. Rohit Kumar, Advocate



For the Respondent/s : Mr. Amit Bhushan, AC to GP-17
(In Civil Writ Jurisdiction Case No. 17053 of 2014)
For the Petitioner/s : Mr. Pradeep Kumar Singh, Advocate
For the State : Mr. Bijoy Kumar Sinha, AC to AAG-V
For the Respondent No.9: Mr. Manish Kumar No. 13, Advocate
Mr. Rohit Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 25-07-2024 Heard Mr. Manish Kumar No. 13, learned counsel appearing on behalf of the petitioner in CWJC No. 14785 of 2014 and Mr. Pradeep Kumar Singh, learned counsel appearing on behalf of the petitioner in CWJC No. 17053 of 2014; Mr. Amit Bhushan, learned AC to GP-17 appearing on behalf of the State in CWJC No. 14785 of 2014 and Mr. Bijoy Kumar Sinha, learned AC to AAG-5 appearing on behalf of the State in CWJC No. 17053 of 2014 and Mr. Manish Kumar No. 13, learned counsel for the respondent no. 9 in CWJC No. 17053 of 2014.

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 selection 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 petitions are not maintainable before this Court. The petitioners, however, may avail appropriate remedy in accordance with law.

5. Accordingly, the present writ petitions stand disposed of.

(Purnendu Singh, J)

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