

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10269 of 2024

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Anita Kumari Wife of Santosh Kumar Resident of Village- Mana Tola
Khokhnaha, Ward No.- 14, Post- Khokhnaha, P.S.- Supaul Nadi Thana,
District- Supaul, State- Bihar- 852131.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Government of Bihar, Patna.
2. The Director, Integrated Child Development Services (ICDS), Social Welfare Department, Bihar, Patna.
3. The Divisional Commissioner, Koshi Division, Saharsa.
4. The District Magistrate cum Collector, Supaul.
5. The District Program Officer (ICDS), Supaul.
6. The Deputy Collector Land Reform, Nirmali, District- Supaul.
7. The Sub- Divisional Officer, Nirmali, District- Supaul.
8. The Child Development Project Officer, Marauna, District- Supaul.
9. Mahila Supervisor, Child Development Project, Marauna, District- Supaul.
10. Shushila Kumari, Wife of Dayanand Yadav Resident of Village- Manatola, Ward No.- 14, Ghogharariya, Post- Khokhnaha, P.S.- Supaul Nadi Thana, District- Supaul, State- Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Kuldeep Kumar, Advocate
For the Respondent/s : Mr.Sheo Shankar Prasad, SC 8

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 09-07-2024 The present writ petition has been filed for
challenging the process of appointment of Anganwari Sevika.

2. Be it mentioned here that the petitioner was one
of the candidates, but she was not appointed as Anganwari
Sevika. She made a representation before the CDPO, Marauna
and subsequently a statutory appeal before the District
Programme Officer (ICDS), Supaul, but her representation as



well as the appeal was dismissed.

3. 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.

4. 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.

5. 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.

6. 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.)*.

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

8. 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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