

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13350 of 2013

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Vidyawati Kumari, W/O Binod Kumar Prasad, R/O Village - Kaparipur, P.O.
- Naviganj, P.S. - Basantpur, Block - Lakari Naviganj, District - Siwan

... .. Petitioner/s

Versus

1. The State Of Bihar through its Secretary
2. The Director, The Integrated Child Development Scheme, Patna
3. The District Magistrate, Siwan
4. The District Welfare Officer, Siwan
5. The Child Development Project Officer, Lakari, Block - Lakari Naviganj,
District - Siwan
6. The Mukhiya, Gram Panchayat Raj Basauli, Block - Lakari Naviganj,
District - Siwan
7. The Secretary Gram Panchayat Raj - Basauli, Block Lokari Naviganj,
District - Siwan
8. Meenu Kumari W/O Late Sanjay Singh R/O Village - Kaparipur, P.S. -
Naviganj, P.S. - Basantpur, District - Siwan

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Nawal Kishor Singh, Advocate
For the Respondent/s : Mr.Rabindra Kumar Tiwari, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 30-09-2024 Petitioner has *inter alia* prayed for following reliefs in
the paragraphs No.1 of the writ petition:-

*(I) To quash the order dated 07.12.12
passed in Miscellaneous case No.131/2009-10 (Meenu
Kumari Vs. State of Bihar and others) by the District
Magistrate, Siwan whereby and whereunder direction
has been issued to child development Project officer,
Lakari Naviganj, Siwan that start to take work as
Anganwari Sevika from Respondent No.8 Meenu
Kumari at Centre No.85*

*(ii) Further to direct the respondents
authority to appoint the petitioner as Anganwari Sevika*



at Centre no.85 who has been taken place at serial No.1 in the merit list but she has not appointed.

(iii) And for grant any other appropriate relief(s) as Your Lordships may deem fit and proper as per the facts and circumstances of the case.”

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 '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 petition is not maintainable before this Court. The petitioner, however, may avail appropriate remedy in accordance with law.



5. Accordingly, the present writ petition stands disposed of.

6. Interlocutory Application(s), if any, also stands disposed of.

(Purnendu Singh, J)

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