

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11545 of 2024

Gudiya Kumari @ Gudiya Devi W/o Sunil Prasad, Resident of Village-Kharhat, P.S and PO-Bhairoganj District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director, Integrated Child Development Services, Social Welfare Department, Government of Bihar, Patna
2. The Commissioner, Tirhut Division, Muzaffarpur
3. The District Magistrate, West Champaran
4. The District Programme Officer, I.C.D.S. West Champaran
5. The Sub-Divisional Officer, Bagaha, West Champaran
6. The Child Development Project Officer, I.C.D.S, Gaunaha, West Champaran.
7. Rajiya Begum W/o Shamshad Ansari R/o Village- Kharhat, P.S and PO- Bhairoganj, West Champaran

... .. Respondent/s

Appearance :

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For the Petitioner/s : Mr.Shubham Sourav, Advocate.

For the Respondent/s : Standing Counsel (25)

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 12-11-2024 Heard Mr. Shubham Sourav, learned counsel
appearing on behalf of the petitioner and learned SC-25 for the
State.

2. The petitioner, in paragraph no. 1 of the present writ petition, has sought, *inter alia*, following relief(s), which is reproduced hereinafter:-

“I. For issuance of an appropriate order / direction/ writ preferably in the nature of certiorari to quash the order dated 18.04.2024 in ICDS Revisional Case no. 278/2023 passed by the Court of Commissioner Tirhut Division, Muzaffarpur wherein whereby order passed vide letter no. 92 dated 27.03.2023 by District Programme Officer is set aside and given direction to act as per



Anganwari Guideline, 2022.

II. For issuance of writ in nature of mandamus for direction to the respondent authorities to give selection letter to the petitioner on the post of Anganwari Sevika (Kendra No, 365), Ward No.3, Gram Panchayat- Kharhat Tribhauni.

III. For any other relief or reliefs for which the Petitioner is found to be entitled in the facts and circumstances of the case.”

3. Learned counsel appearing on behalf of the petitioner submits that for redressal of the grievance as prayed for in Para-1 of the writ petition, the petitioner seeks to avail appropriate remedy by filing suit before the competent civil court having jurisdiction in light of the law laid down by the Apex Court in case of ***State of Karnataka & Ors. vs. Ameerbi & Ors.*** reported in ***(2007) 11 SCC 681***.

4. The Apex Court in the case of ***Ameerbi (supra)*** has 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. 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.

5. 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'.

6. Considering the submission made on behalf of the petitioner, the present writ petition stands disposed of with liberty to the petitioner to avail appropriate remedy before the competent civil court having jurisdiction.

(Purnendu Singh, J)

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