

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12635 of 2023

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Saloni Kumari Wife of Vijay Kumar Sah, Resident of village- Mujra, P.O. and
Police Station- Ramnagar, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social and Welfare
Department, Govt. of Bihar, Patna.
2. The Director, I.C.D.S., Government of Bihar, Patna.
3. The Division Commissioner, Tirhut Division, Muzaffarpur.
4. The District Magistrate, West Champaran, Bettiah.
5. The District Programme Officer, West Champaran, Bettiah.
6. The Block Development Officer, Ramnagar, District- West Champaran,
Bettiah.
7. The Child Development Project Officer, Ram Nagar, District- West
Champaran, Bettiah.
8. Roushani Raj Wife of Navin Kumar Jaiswal, Resident of resident of village-
Mujra, P.O. and Police Station- Ramnagar, District- West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary, Advocate

For the Respondent/s : Mr.Prashant Pratap (Gp2)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 08-01-2024

The present writ petition has been filed
seeking the following reliefs:-

*"That this present writ application is
being filed for setting aside the order
dated 18.05.2003 passed by the
Division Commissioner, Tirhut
Division, Muzaffarpur in I.C.D.S.*



Revision Case No.- 89 of 2021, whereby and whereunder the revision filed by the private respondent has been allowed and the order dated- 07.10.2021 passed in Appeal No.115 of 2020 by the District Programme Officer, West Champaran, Bettiah has been set aside."

2. At this juncture, this Court would refer to a judgment rendered by a co-ordinate Bench of this Court in the case of **Seema Kumari vs. The State of Bihar and others**, reported in **(2015) SCC Online Pat 7267**, paragraphs no. 9 to 11 whereof, are reproduced herein below:-

"9. As noted above, the Anganbari Sevika is not a government servant and has no protection under Article 311(2) of the Constitution of India so as to envisage the concept of regular departmental proceeding. The petitioner was given a notice. She was informed about the allegation against her. She had filed her show-cause reply which was considered by the District Programme officer and when the order went against her, she



had also been given adequate opportunity by the appellate authority who, in fact, had himself got the matter verified by referring the matter to the Bihar Sanskrit Board.

10. In that view of the matter, this Court would not find any error in the impugned order of termination of the services of the petitioner when it is found that the petitioner had got appointment by producing a document in support of qualification which was found to be incorrect/forged.

11. Thus for the reasons indicated above, this application must fail and is, accordingly, dismissed."

3. It would be apt to refer to yet another judgment rendered by the learned Division Bench of this Court in the case of **Neetu Kumari v. The State of Bihar and others**, reported in **2011 (4) PLJR 20**, paragraphs no. 4 and 5 whereof are reproduced herein below:-

"4. In our considered view, the post of Anganbari Sevika is not a post having security of tenure or protection under



Article 311 of Constitution of India. Considering the very nature of engagement which provides of honorarium, we are of the view that in case the appellant still feels aggrieved, she may approach the Civil Court for damages. There is nothing at stake in such a scheme other than honorarium. For such contractual engagements the relief of reinstatement is not appropriate and even if there is breach of the scheme or any other principle of law, the claim should ordinarily be permitted, if found good on merits, only for damages.

5. The appeal is dismissed."

4. Considering the law laid down by the learned Division Bench of this Court, as aforesaid, the learned counsel for the petitioner seeks not to press the present writ petition, however, seeks liberty on behalf of the petitioner to avail such other alternative remedies as are otherwise available under the law, including that of filing a suit before the learned Civil Court having competent jurisdiction. Liberty, so sought, is granted.



5. The writ petition stands disposed off as not pressed.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.01.2024
Transmission Date	NA

