

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12800 of 2012

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Kumari Prabha Singh Wife Of Vijay Kumar Singh Resident Of Village -
Dahiwar, P.S. Buxar Industrial, District - Buxar

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Social Welfare Department,
Bihar, Patna.
2. Director, Integrated Child Development Services, Bihar, Patna
3. District Magistrate, Buxar
4. District Programme Officer, Buxar
5. Child Development Project Officer, Buxar
6. Mukhiya, Gram Panchayat - Sonbarsha Block- Buxar, District - Buxar
7. Usha Devi Wife Of Umesh Kumar Singh Resident Of Village - Dahiwar,
P.S. - Buxar, District - Buxar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate
For the Respondent/s : Mr. Rajesh Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 01-02-2024 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

2. Learned counsel for the petitioner outrightly submits
that this writ petition may be disposed of with liberty to the
petitioner to move before the appropriate forum in accordance
with the law as this case is not maintainable in view of the
paragraph no. 4 of the judgment of Division Bench of this
Court rendered in the case of *Neetu Kumari Vs. State of Bihar
and Others reported in 2011 (4) PLJR 20* which reads as
follows:-



“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 for honorarium, we are not 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.”

3. Accordingly, this writ petition is disposed of with the liberty to the petitioner to move before the appropriate forum in accordance with the law.

(Rajesh Kumar Verma, J)

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