

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17666 of 2012

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Chunchun Kumari D/O Sri Chandrakant Pathak Resident Of Village- Teyai,
P.O. Dadpur, P.S. Bhagwanpur, District Begusarai

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors Govt. Of Bihar, Patna
2. The Director I.C.D.S. Social Welfare Department Govt. Of Bihar
3. The Divisional Commissioner, Munger
4. The Chairman Cum District Magistrate, Begusarai
5. The District Programme Officer, Begusarai
6. The Child Development Project Officer, Bhagwanpur Block, Begusarai

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha, Advocate
For the Respondent/s : Mr. Kinkar Kumar, SC-9

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 16-05-2024

Heard Mr. Jitendra Narain Sinha, learned counsel
appearing on behalf of the petitioner and Mr. Kinkar Kumar,
learned SC-9 for the State.

2. Learned counsel appearing on behalf of the
petitioner submitted that at the time of her selection, the age of
the petitioner was below the prescribed age as per the guidelines
of year 2010. Petitioner is aggrieved that the petitioner fulfilled
all the criteria as laid down in Rule-5 (३.) of the Guidelines and
she was granted 27 points. However, giving weightage to the
petitioner being 'Anganbadi Sevika', 10 points were reduced
considering the fact that the petitioner had joined as 'Anganbadi



Sevika' on 02.07.1997 and continuing in service she had graduated in the year 1998 and thus, weightage point of graduation could not have been reduced in the revised list dated 23.07.2012, the petitioner was shifted from serial no. 27 to serial no. 17. Learned counsel further submitted that the petitioner has been discriminated from other equally situated selected persons, who possessed the degree of graduation and not treating on equal terms, the legal right of the petitioner has been defeated.

3. *Per contra*, learned counsel appearing on behalf of the State submitted that petitioner had joined as 'Anganbadi Sevika' on 02.12.1997 and while she was engaged as 'Anganbadi Sevika', she graduated in the year 1998, hence, weightage for graduation was not given to her along with other candidates, who were possessing graduation degree at the time of their engagement as 'Anganbadi Sevika'. He further submitted that the post of 'Anganbadi Sevika' or 'Anganbadi Supervisor' is under the scheme called 'Integrated Child Development Scheme (ICDS)' and the petitioner cannot equate with the government servant, therefore, the mandate of equality as contained in Article 14 and 16 of the Constitution will not come in way of the petitioner.

4. Having considered the rival submissions made on



behalf of the parties, as well as, the law laid down by the Apex Court in the case of *State of Karnataka & Ors. vs Ameerbi & Ors.* reported in *(2007) 11 SCC 681*, wherein it has been held that the posts of Anganwadi workers are not statutory posts. They have been created in terms of the I.C.D.S. scheme. They do not carry on any function of the State. Their posts are not created. Recruitment rules ordinarily applicable to the employees of the State are not applicable in their case, hence, the State is not required to comply with the constitutional scheme of equality.

5. This Court following the said proposition of law is constrained to pass any order granting relief to the petitioner. For breach of civil right of the petitioner, the petitioner can avail appropriate civil remedy before the competent civil Court.

6. Accordingly, the present writ petition is disposed of.

Mantreshwar/-
Niraj/-

(Purnendu Singh, J)

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
Uploading Date	17.05.2024
Transmission Date	N/A

