

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.102 of 2022

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Shobha Kumari W/o Mohan Rai, resident of Village and Post - Barjee, Ward
No. 15, P.S.- Motipur, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social welfare
Department, Govt. of Bihar, Patna.
2. The Director, I.C.D.S., Bihar, Patna.
3. The Divisional Commissioner, Tirhut Division, Muzaffarpur.
4. The District Magistrate, Muzaffarpur.
5. The District Programme Officer, Muzaffarpur.
6. The Child Development Programme Officer, Motipur, Muzaffarpur.
7. The Women Supervisor, Motipur, Muzaffarpur.
8. Reena Devi, W/o Dinanath Kumar, resident of Village and Post - Barjee,
P.S.- Motipur, District - Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the Respondent/s : Ms. Kumari Amrita (GP-3)

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

7 16-07-2024 The instant writ petition has been filed by the

petitioner who was an Anganwari Sahayika challenging the

order of dismissal of the statutory revision filed by the petitioner

before the Divisional Commissioner and set aside the same by

issuance of an writ in the nature of mandamus and also to quash

the order dated 17.04.2021 passed by the District Programme

Officer who allowed the case of the private respondent No.8. It

is needless to say that respondent No.8 is one of the applicant

for the such post in respect of the same Ward/Mohalla. The



candidature of the opposite party no.8 was rejected and the petitioner was initially appointed as Anganwari Sahayika. However, her appointment was terminated by the order of District Programme Officer which was subsequently affirmed by the Divisional Commissioner.

2. At the outset I am considered to hold that the instant writ petition is not maintainable under Article 226 of the Constitution of India because the post of Anganwari Sahayika is not a Civil Post protected under Article 311 of the Constitution.

3. Considering the very nature of engagement which provides for honorarium, the remedy of the petitioner does not lie in the constitutional Writ Jurisdiction. If the petitioner feels aggrieved, she may approach the Civil Court for competent jurisdiction for appropriate relief. Since, the appointment of Anganwari Sahayika is under a Scheme where they are entitled to get honorarium and the nature of employment is absolutely contractual, the relief of reinstatement is not appropriate and even if there is breach of scheme or any principle of law, the claim should ordinarily be permitted, if found good on merits, only before the competent Civil Court by filing a suit for damages.

4. The The decision of this Court in *Neetu Kumari v.*



The State of Bihar & Ors., reported in *2011 (4) PLJR 20*, may be relied upon in this regard.

5. Recently, a Co-ordinate Bench of this Court reiterated the same view in *Parvati Devi v. State of Bihar & Ors.*, reported in *2024 (1) BLJ 178* and also in *Urmila Kumari v. State of Bihar & Ors.*, reported in *2024 (1) BLJ 361*.

6. Following the above-mentioned decision, I have not other alternative but to dispose of the writ petition.

7. Accordingly, the instant writ petition is disposed of.

8. However, the petitioner is at liberty to take appropriate steps in accordance with law.

(Bibek Chaudhuri, J)

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