

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.392 of 2022

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Sharda Kumari, Wife of Subhash Kumar, Resident of Village - Gokhul Bigha,
P.S.- Jamhore, District - Aurangabad (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Social Welfare Department, Government of Bihar, Patna.
2. The Director, Social Welfare Department, Government of Bihar, Patna.
3. The Deputy Director, Welfare, Magadh Division, Gaya.
4. The Commissioner, Magadh Division, Gaya.
5. The District Magistrate, District - Aurangabad.
6. The Additional Collector Cum Additional District Magistrate, District - Aurangabad.
7. The District Programme Officer, Aurangabad.
8. The Block Development Officer, Obra, Aurangabad.
9. The Child Development Project Officer, Block, Obra, Aurangabad.
10. Jyoti Kumar, Wife of Sujit Kumar, Ward No. 10, resident of Shankarpur, Post - Sarsoili, P.S.- Jamhore, District - Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ranjit Kumar, Advocate
For the Respondent/s	:	Mr. Prashant Pratap, GP-22
		Mr. Sahilesh Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 19-11-2024 Heard the parties.

2. The petitioner has preferred the present writ petition on being aggrieved by the order dated 20.09.2019 passed in Anganwari Sevika/Sahaiyaka Selection Appeal No. 34 of 2018 issued vide Memo No. 1217 dated 20.09.2019 by the respondent no.7, whereby the petitioner has been removed from the post of Anganwari Sevika from Anganwari Centre, Gokhul



Bigha, Ward No. 07, Gram Panchayat Sarsoili, Block-Obra, District-Aurangabad. The petitioner also sought quashing of the order dated 27.10.2021 passed in Anganwari Sevika Selection Appeal Case No. 63 of 2020/639 of 2019, whereby the appeal preferred by the petitioner against the order dated 20.09.2019 also came to be rejected by the respondent-Additional Collector cum Additional District Magistrate, Aurangabad.

3. At the outset, learned counsel for the State as well as learned counsel for the private respondent have submitted that admittedly the process of selection was started under the Guidelines 2016, however, the appointment took place in the year, 2018. In the meantime, 2019 Guidelines came into force. The petitioner preferred Anganwari Sevika/Sahaiyaka Selection Appeal No. 34 of 2018, which came to be rejected by the respondent no.7 vide order dated 20.09.2019. Thereafter, the petitioner preferred Anganwari Sevika Selection Appeal Case No. 63 of 2020/639 of 2019, which also came to be rejected vide order dated 27.10.2021. Since in the year 2016, there was no provision for revision, however, the amended Guidelines which came into effect in the year 2019, the provision for revision has been incorporated empowering the Divisional Commissioner to hear revision against the order passed by the



District Magistrate, in such circumstances, learned counsel for the petitioner as well as learned counsel for the private respondent pray that if the petitioner be given liberty to prefer a revision before the Revisional Commissioner, justice would be done to her.

4. Learned counsel for the State contended that so far the writ petition is concerned, the Hon'ble Apex Court in the case of **State of Karnataka and Others v. Ameerbi and Others [(2007) 11 SCC 681]**, while considering the case of Anganbari Workers has ruled that the persons working as Anganbari Sevika do not hold civil post and their applications are not maintainable. The post of Anganbari Workers are not the statutory post and they are created under the scheme and, as such, they do not have any protection under Article 311 of the Constitution of the India, so as to envisage the concept of regular departmental proceeding.

5. Reliance has also been placed on a judgment rendered by the learned co-ordinate Bench of this Court in the case of **Geeta Devi v. The State of Bihar and Others [C.W.J.C. No. 2661 of 2018]**, wherein the learned Single Judge vide its judgment dated 29.01.2024 has disposed off the writ petition with a liberty to the petitioner to move before the



appropriate forum for availing the alternative remedy. While disposing off the writ petition, the learned Single Judge reiterated the observations made hereinabove.

6. Having considered the submissions advanced on behalf of the parties and taking note of the fact that under the new Guidelines, the provision of revision has been inserted, thus, in the facts and circumstances of the case, the writ petition stands disposed off with a liberty to the petitioner to file an application before the concerned Divisional Commissioner, if so advised, agitating her grievance.

7. In case, such an application is filed, the concerned Divisional Commissioner shall consider the same and pass appropriate order in accordance with law after affording opportunity of hearing to all the stakeholders.

(Harish Kumar, J)

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