

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16214 of 2024

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Neha Kumari Wife of Sri Pankaj Dubey, Resident of Village-Dubauli Under Panchayat- Salempur, P.S.- Pirpainti District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Government of Bihar, Patna-1
2. The the Principal Secretary, Social Welfare Department, Government of Bihar, Patna-1
3. The Collector, Bhagalpur.
4. District Programme Officer, Bhagalpur.
5. Child Development Project Officer, Pirpainti, District-Bhagalpur.
6. Kiran Kumari Mishra @ Kiran Devi Wife of Sri Pradip Kumar Dubey Resident of Village-Dubauli Under Panchayat- Salempur, P.S.- Pirpainti District- Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Vivekanand Vivek, Advocate Mr.Debash Kumar Poddar, Advocate
For the Respondent/s	:	Dr.Md. Raisul Haque, SC 10

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 24-10-2024 Heard Mr. Vivekanand Vivek along with Mr. Debesh Kumar Poddar, learned counsel appearing on behalf of the petitioner and Dr. Md. Raisul Haque, leaned SC 10 for the State.

2. The petitioner in paragraph no. 1 of the present writ petition has sought *inter alia* following relief(s), which is reproduced hereinafter:

“(I) For issuance of an appropriate writ/writs/order/orders/direction/directions commanding the respondents to quash the order dated 24.06.2024 passed by the Collector, Bhagalpur in Misc. (Anganbari) Appeal No.68/2023-24 contained in Annexure-P/6 of the



application whereby and whereunder the selection of the petitioner on the post of Aanganbari Sevika was cancelled and selection of respondent no.6 to the post of Anganbari Sevika was declared to be legal and in accordance with the guidelines.

(ii) For issuance of an appropriate writ/writs/order/orders/direction/directions commanding the respondents to cancel the selection of the respondent no.6, who has illegally been directed to be selected by the collector vide annexure P/6 of the application to the post of Anganbari Sevika.

(iii) For issuance of any appropriate writ/writs/order/orders/direction/directions commanding the respondents for selection of the petitioner for the post of Anganbari Sevika in accordance with the guidelines of the state Government whose marks is highest than the other applicants.

(iv) For issuance of any appropriate writ/writs/order/orders/direction/directions to which the petitioner is entitled in accordance with law.”

3. Learned counsel appearing on behalf of the petitioner submits that for redressal of the grievance as prayed for in Para-1 of the writ petition, the petitioner seeks to avail appropriate remedy by filing suit before the competent civil court having jurisdiction in light of the law laid down by the Apex Court in case of *State of Karnataka & Ors. vs. Ameerbi & Ors.* reported in *(2007) 11 SCC 681*.

4. The Apex Court in the case of *Ameerbi (supra)* has held that there is no straitjacket formula that all the employees, who fall under the purview of Article 12 of the Constitution



would be government employees. Only because the State controls the Integrated Child Development Services (I.C.D.S.) Programme, its employees cannot take shelter under Article-311 of the Constitution that in any manner, the selection process has not taken place in accordance with law.

5. It is further made clear that in the State of Bihar, the guidelines in respect of 'Anganwari Sevika and Sahaikaa', cannot be said to have been enacted in accordance with Article-309 of the Constitution and the procedure followed as per the requirement of Article-311 of the Constitution necessitates in case of the 'Anganwari Sevika'.

6. Considering the submission made on behalf of the petitioner, the present writ petition stands disposed of with liberty to the petitioner to avail appropriate remedy before the competent civil court having jurisdiction.

7. Accordingly, the present writ petitions stand disposed of.

(Purnendu Singh, J)

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