

Mamta Kumari, Wife of Pappu Kumar Gupta, Resident of Village- Athmal Gola Bazar, P.O.- Athmal Gola, P.S.- Athmal Gola, District- Patna, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Social Welfare Department, Bihar, Patna.
2. The District Magistrate-Cum-Collector, Patna.
3. The Deputy Director Social Welfare Department,. Patna, (Bihar).
4. The District Programme Officer, Patna.
5. The Child Development Project Officer, Barh, Patna, Bihar.
6. Shobha Devi, Wife of Bisudanand, Resident of Village- English, P.O. and P.S. Athmal Gola District- Patna, Bihar.

... Respondent/s

Appearance :

For the Petitioner/s : Mr.Nagendra Dubey, Advocate
For the Respondent/s : Mr. Subodh Kumar, AC to SC 26

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 19-11-2024 Heard Mr. Nagendra Dubey, learned counsel
appearing on behalf of the petitioner and Mr. Subodh Kumar,
learned AC to SC 26 for the State.

2. Petitioner has *inter alia* prayed for following reliefs
in the paragraphs No.1 of the writ petition:-

“(I) Issuance of writ in the nature of certiorari quashing the order dated 02.08.2023 passed by the Collector Patna in Misc. Appeal No.37/15-16 contained as Annexure -6 of the writ petition whereby and whereunder the Misc. Appeal has been dismissed affirming the order passed by the District Programme Officer, Patna.

(ii) Issuance of writ in the nature of



mandamus commanding the respondents to allow the petitioner to discharge his duty as Aaganbari Sevika because she applied for ward no.10.

(iii) To pass such other order/orders for which the petitioner is legally entitled.”

3. Considering the law laid down by the Apex Court in case of ***State of Karnataka & Ors. vs. Ammerbi & Ors.*** reported in ***(2007) 11 SCC 681***, wherein, it has been 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. Similarly, 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.

4. It is further made clear that in the State of Bihar, the guidelines in respect of selection 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'.

5. I find that the writ petition is not maintainable before this Court. The petitioner, however, may avail



appropriate remedy in accordance with law.

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

(Purnendu Singh, J)

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