

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1121 of 2024

In
Civil Writ Jurisdiction Case No.12386 of 2013

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Sushma Kumari wife of Anil Prasad Resident of Village- Chandi (West),
Ward No.3, P.S.- Areari, District- Sheikhpura.

... .. Appellant/s

Versus

1. The State of Bihar through the Commissioner-cum- Secretary, Social Welfare Department, Govt. of Bihar, Patna.
2. The Director, I.C.D.S., Govt. of Bihar, Patna.
3. The Commissioner, Munger Division, Munger.
4. The District Magistrate, Sheikhpura.
5. The District Welfare Officer-cum-Programme Officer, Sheikhpura.
6. The District Programme Officer, Sheikhpura.
7. The Child Development Project Officer, Areari, Sheikhpura.
8. The Circle Officer, Areari Block, Sheikhpura.
9. The Block Development Officer, Areari Block, Sheikhpura.
10. Arpana Kumari wife of Sunil Prasad Resident of Village- Chandi, P.S.- Areari, District-Sheikhpura.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Onkar Kumar, Advocate
For the State : Mr. Gyan Prakash Ojha, GA 7

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

7 30-10-2025 Heard learned counsel for the parties.

2. The present appeal has been filed for the following
relief:-

“That this memo of appeal is directed
against the order/judgment dated 02.09.2024
passed in CWJC No. 12386 of 2013



(Sushma Kumari Vs. The State of Bihar and others) whereby and whereunder the Hon'ble Mr. Justice Purnendu Singh, one of the Hon'ble Judge of this Hon'ble Court has held that the writ petition filed by the appellant/petitioner is not maintainable and accordingly disposed of the writ petition."

3. Learned counsel for the appellant has relied upon the judgment of **Maniben Maganbhai Bhariya Vs. District Development Officer Dahod & Ors.** reported in (2022) 16 SCC 343.

4. Following are the considerations made by the learned Single Judge which are under challenge and are quoted herein below:-

*"2. 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.*

3. 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'.

4. I find that the writ petitions are not maintainable before this Court. The petitioners, however, may avail appropriate remedy in accordance with law."

5. Upon perusal of records of the case, we find that the appellant has been unable to substantiate the grounds of the present appeal. Therefore, in our view, the appellant has been unable to dislodge the findings of the learned Single Judge.

6. Further the judgment in the case of *Maniben Maganbhai Bhariya v. District Development Officer Dahod & Ors.* reported in (2022) 16 SCC 343, finds no application in the present case as it does not deal with appointment of Anganwadi Workers.

7. Thus, considering the submissions advanced on behalf of the parties and the observations and findings of the learned Single Judge, we find no infirmity in the order.

8. The present appeal is accordingly dismissed with liberty to the appellant to avail the legal remedies as available



under the law.

9. Pending application(s), if any, shall stand disposed
of.

(Sudhir Singh, ACJ)

(Rajesh Kumar Verma, J)

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