

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7922 of 2025

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Sangita Kumari @ Sangeeta Kumari Wife of Ranvir Kumar, Resident of Vill-
Ashanagar, Mandanlal Gupta Niwas, Sangat Par, P.O.- Sohsarai, P.S.-
Sohsarai, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Social Welfare
Department, Government of Bihar, Patna.
2. The Director, ICDS Directorate, Government of Bihar, Patna.
3. The Divisional Commissioner, Patna.
4. The District Magistrate, Nalanda.
5. The District Program Officer, Nalanda.
6. The Child Development Project Officer, Bind, Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Hemant Kumar, Advocate
For the Respondent/s : Mr. Standing Counsel (7)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 07-04-2026 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed for issuance
of appropriate writ/writs, order/orders, direction/directions for
grant of the following Reliefs:-

*“I. For quashing the Order dated 16.01.25
passed by the Divisional Commissioner, Patna
in ICDS Case No. 4/2023 whereby and where
under the Learned Divisional Commissioner,
Patna has confirmed the order of termination
from service passed by the District Magistrate,
Nalanda contained in Memo No. 2144 dated*



07.12.22.

II. For quashing the order contained in Memo No. 2144 dated 07.12.22 passed by the District Magistrate, Nalanda whereby the services of the petitioner discharging her duties as Female Supervisor for long 11 years has been terminated and the contract of employment has been cancelled without application of any judicious mind and in a mechanical manner.

III. For a direction upon the concerned authorities to reinstate the petitioner in service with continuity of service along with full salary and all consequential benefits arising therefrom.

IV. For the grant of any other relief for which the petitioner is found entitle to in the facts and circumstances of the present case.”

3. Learned counsel for the petitioner submits that the orders passed by the District Magistrate, Nalanda, and the Divisional Commissioner, Patna, are in complete violation of law, and that the petitioner's contract has been cancelled unnecessarily, and it requires interference. Counsel submits that there are affidavits filed by different *anganwadi sevikas* according to character of the petitioner, which was completely been ignored.

4. Learned counsel for the State, on the other hand,



submits that the petitioner is a contractual employee and not the regular government servant. As such, the petitioner has no protection under Article 309 of the Constitution of India or under service law of the land. Counsel submits that the services of the petitioner is being guided by a Resolution No. 1846 dated 10.06.2010 issued by the Social Welfare Department, Government of Bihar (annexed as Annexure-P/1). Counsel submits that as per Clause-xiv of the said resolution, the contract of the petitioner may be terminated upon fulfilling the conditions. Counsel submits that here in the present case, from the order passed by the District Magistrate, Nalanda contained in Memo No. 2144 dated 07.12.2022 (Annexure-P/8), and subsequently, the order of the Divisional Commissioner, Patna dated 16.01.2025 in ICDS-4-2023 (Sangita Kumari Vs. The State of Bihar) (Annexure-P/9), it become crystal clear that the termination order has been passed in true compliance of the Clause-xiv of the said resolution No. 1846 dated 10.06.2010.

5. After hearing the parties and upon going through the documents, it is an admitted position that the petitioner is not protected under the Constitution of India or under service law. However, protection is available to the petitioner under Resolution No. 1846 dated 10.06.2010, whose clause-xiv reads



as under:-

“(xiv) अनुबंध की समाप्ति (Termination)-

क) इस प्रकार का नियोजन, संविदा अवधि समाप्ति के पूर्व उभय पक्षों द्वारा एक माह की पूर्व सूचना देकर समाप्त किया जा सकेगा।

ख) महिला पर्यवेक्षिका द्वारा अपने कर्तव्यों के संतोषप्रद निर्वहन नहीं किये जाने, उनके द्वारा अनियमितता बरते जाने, अनाधिकृत अनुपस्थित रहने, अपराधिक घटना में शामिल होने अथवा एकरारनामे की शर्तों का उल्लंघन करने की स्थिति में उनसे स्पष्टीकरण पूछकर संबंधित जिला पदाधिकारी अनुबंध मुक्त करने का आदेश पारित करेंगे। इनके आदेश के विरुद्ध अपील संबंधित प्रमंडलीय आयुक्त के समक्ष एक माह के अन्दर की जा सकेगी। प्रमंडलीय आयुक्त के आदेश के विरुद्ध कोई अपील नहीं की जा सकेगी।

ग) उपरोक्त कंडिका (ख) में उल्लिखित आरोपों के आधार पर संबंधित साक्ष्यों से संतुष्ट हो कर स्पष्टीकरण प्राप्त करने के पश्चात संबंधित प्रमंडलीय आयुक्त महिला पर्यवेक्षिका का अनुबंध समाप्त करने का आदेश पारित करेंगे।

घ) उपरोक्त प्राधिकारों के अतिरिक्त उपरोक्त कंडिका (ख) में उल्लेखित बिन्दुओं पर जांचोपरान्त महिला पर्यवेक्षिका को सेवा मुक्त करने का अधिकार सरकार में भी सुरक्षित रहेगा।”

6. Here in the present case, from the order passed by the District Magistrate, Nalanda, it transpires that show cause



has been served upon the petitioner and it has been confessed by her that in the video, it is the petitioner who was present and therefore, in this regard, a criminal case has also been lodged under sections 7 & 13 of the Prevention of Corruption Act, 1988 against the petitioner.

7. This Court is of the view that the impugned orders have been passed completely in accordance with terms of the contract of Clause-xiv of the Resolution No. 1846 dated 10.06.2010 which deals about termination. Hence, there is no need of any interference in this matter.

8. Accordingly, this writ petition stands dismissed.

(Dr. Anshuman, J)

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