

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7667 of 2014

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Sandhya Devi, wife of Sri Lalbabu Mandal, resident of village-Pipradhi Panchayat, Kararwana, Block-Sursand, District-Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Secretary, Social Welfare Department, Government of Bihar, Patna.
3. The Director, Integral Child Development Scheme, Social Welfare Department, Government of Bihar, Patna.
4. The Commissioner, Tirhut Division, Muzaffarpur.
5. The District Magistrate, Sitamarhi.
6. The District Programme Officer, Sitamarhi.
7. The Child Development Project Officer, Sursand, District-Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Devendra Kumar

For the Respondent/s : Mr. Sanjay Prakash Verma, AC to GA-1

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 27-01-2015 Heard the parties.

The petitioner is aggrieved by the order dated 30.10.2013 (Annexure-7) passed in Service Appeal No.551 of 2012 by the respondent Divisional Commissioner, Tirhut Division, Muzaffarpur, whereby the aforesaid appeal filed on behalf of the petitioner has been dismissed and the order passed by the District Magistrate, Sitamarhi, cancelling her selection on the post of Anganwari Sevika for the Anganwari Centre No.68, has been affirmed.

Indisputably, the selection of the petitioner on the post of Anganwari Sevika has been cancelled in view of the serious charges of irregularities against her for running the Anganwari Centre in question. The petitioner had moved earlier before this Court in CWJC No.12642 of 2012 assailing the order passed by the respondent District Magistrate, but she was relegated to file an appeal before the Divisional Commissioner, Tirhut Division,

Muzaffarpur by an order dated 12.09.2012 (Annexure-6) passed by a Bench of this Court. In the light of the aforesaid order, the matter was considered by the respondent Divisional Commissioner and appeal has been dismissed by the impugned order.

It is well settled that the Anganwari Sevika/Sahayika do not hold the civil post. They are merely agents of the State. They do not have the protection of Article 311 of the Constitution of India as has been held by the Hon'ble Apex Court. There are serious charges of irregularities against the petitioner for running the Anganwari Centre in question.

In above view of the matter, this Court is not inclined to interfere with the order impugned.

In the result, the writ petition has to fail and is, accordingly, dismissed.

However, if the fresh selection on the post of Anganwari Sevika has not been concluded till date, then the steps shall be taken by the respondent District Programme Officer, Sitamarhi forthwith for making fresh selection on that post. If the petitioner is found otherwise eligible for her selection, she shall also be allowed to participate in that selection process irrespective of the findings recorded in the impugned orders.

(Birendra Prasad Verma, J)

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