

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.4160 of 2014

IN

Civil Writ Jurisdiction Case No. 20329 of 2012

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Anil Kumar Choudhary, Son of Sri Satya Narayan Choudhary, Resident of Village
- Sahoriya Tinkonma, P.S. - Janki Nagar, District - Purnia

.... Petitioner/s

Versus

1. The State of Bihar
2. Sri Rajesh Kumar, the Collector, Purnia, District - Purnia
3. Sri Neelam Gupta, Director, I.C.D.S., Social Welfare Department, Bihar, Indira Bhawan, Patna-800 001
4. Sri Mahesh Chandra Prasad Sinha, Circle Officer, Cum Child Development Project Officer, Banmankhi, P.S. - Banmankhi, District - Purnea

.... Opp. Party/s

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Appearance :

For the Petitioner/s : Mr. Sushanta Kumar Das, Advocate
For the Opp. Party/s : Mr. Rajiv Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE V.N. SINHA

ORAL JUDGMENT

Date: 22-07-2015

In compliance of my order dated 15.07.2015

Secretary, Social Welfare Department, Government of Bihar, Patna is present and states that in the light of the order of the Writ Court dated 02.11.2012, passed in C.W.J.C. No. 20329 of 2012 Collector, Purnea has passed order bearing Memo No. 889 dated 22.04.2013 giving reasons that it may not be possible to establish Anganwari Centre in Ward No. 13 Banmankhi, Purnea and for not establishing the said centre Panchayat Samiti, Banmankhi, the competent authority, has also agreed as per statement made in the order dated 22.04.2013.

2. Earlier this Court under order dated 02.11.2012



had asked the Collector, Purnea to consider the representation of the petitioner to establish Anganwari Centre in Ward No. 13, Banmankhi in the light of earlier Memo No. 66 dated 18.02.2011, as from that memo it appeared that Anganwari Centre for the said ward had already been sanctioned by the competent Panchayat Samiti. From the order of the Collector, Purnea dated 22.04.2013 it only appears that Panchayat Samiti, Banmankhi has given its consent not to establish Anganwari Centre in Ward No. 13, but the said order does not indicate any reason for recalling the decision to establish Anganwari Centre in Ward No. 13 communicated under Memo No. 66 dated 18.02.2011.

3. It is submitted by the Secretary, Social Welfare Department, Government of Bihar, Patna that the illegality in the order of Collector, Purnea dated 22.04.2013 not to provide reasons to recall the earlier direction to establish Anganwari Centre in Ward No. 13, Banmankhi may be corrected as and when petitioner will file another writ petition assailing the order dated 22.04.2013. For the present order dated 22.04.2013 having been passed by Collector, Purnea, necessary compliance of the direction of the High Court contained in order dated 02.11.2012 to consider the representation of the petitioner has been made and this Court may dismiss the contempt petition.

4. I regret not to dismiss the contempt petition and considering the fact that Anganwari Centre is established in a ward of the Gram Panchayat to cater to the nourishment needs, other requirements of a child between 0-6 years in age as also of the lactating mothers, the decision to establish Anganwari Centre in Ward No. 13 appears to have been arbitrarily recalled under letter no. 330 dated 25.04.2012 and reiterated under order of the Collector, Purnea under Memo No. 889 dated 22.04.2013, which is quashed with direction to the respondent authorities to establish Anganwari Centre in Ward No. 13, Banmankhi as early as possible, in any case, within two months from today so as to enable the authorities to comply their own order dated 18.02.2011.

5. The contempt petition is, accordingly, disposed of.

(V.N. Sinha, J)

Rajesh/-

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