

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2332 of 2015

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1. Sahena Praween w/o Md. Muzaffar resident of village - Dhasaki West Tola P.S. Kasba, District Purnea.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Welfare Department, Bihar, Patna.
2. Director, I.C.D.S., Bihar, Patna.
3. The Joint Commissioner cum Secretary, Regional Transport Tribunal Purnea Division, Purnea.
4. Divisional Commissioner, Purnea.
5. The District Magistrate, Purnea.
6. District Programme Officer, Purnea.
7. The Child Development Project Officer, Kasba, Purnea.
8. Bibi Nasrin wife of Md. Mussowir Resident of Lakhna Ward no. 2 Gram Panchayat, Lakhana District Purnea.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Prawesh kumar
For the Respondent/s : Mr. SUNIL KR. MANDAL

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 21-04-2015

21.04.2015

Heard learned counsel for the parties.

Selection of the petitioner on the post of Anganbari Sevika had not been made with her convenience in mind. The object of running such centre is to ensure that malnourished children and pregnant mothers are taken care of so that the future generations are able-bodied persons and can become meaningful work force, in the progress of the nation.

If the restructuring of the center was done by a conscious decision under the circumstances dealt with

by the District Programme Officer (Establishment), contained in Annexure-7 and affirmed by the appellate authority in Annexure-9, then the defiance of the directive to shift the centre and run it from the new designated identified centre, closer to the beneficiaries cannot be ignored.

Petitioner has expressed reservation and her inability to run the centre at the new place looking at the location of her residence, which, in other words, means that the centre cannot be run and the object for running such centre is not being achieved. Under this circumstance the respondent-authorities have disengaged the petitioner, who anyway is not a government servant.

A direction has been issued for making fresh selection of a candidate belonging to the ward for effective and smooth functioning of the centre in question. If this be so, the reason for disengagement of the petitioner is attributable to her and no infirmity can be said to have occurred in the decision under the circumstances indicated above and dealt with in detail in the two impugned orders. This Court, therefore, would not like to interfere with the decision, because ultimately the beneficiary has to be taken in mind and not the



person who is trying to derive benefit therefrom from the scheme.

In view of the aforesaid facts and circumstances, writ application is dismissed.

(Ajay Kumar Tripathi, J.)

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