

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3053 of 2015

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1. Bharti Devi Wife of Late Jaybaind Thakur resident of village - Govindpur Arrah West, P.O. Sanskrit Nirmali, P.S. Pratapganj, District - Supaul

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Social Welfare, Government of Bihar, Patna
2. The Director, I.C. D.S., Bihar, Patna
3. The Deputy Director (Welfare), Koshi Division, Saharsa
4. The District Magistrate, Supaul
5. The District Programme Officer, Supaul
6. The Child Development Project officer, (C.D.P.O.), Raghampur, District - Supaul
7. The Women Supervisor, Triveniganj, District - Supaul

.... Respondent/s

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Appearance :

For the Petitioner/s : None

For the Respondent/s : None

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 24-02-2015

An inspection was held of Centre No.36 of Gram Panchayat Raj Govindpur Arrah West in the district of Supaul. Inspection was conducted at about 11.45 am and many an infirmities were found for which a show cause was issued upon the petitioner. The petitioner responded to the show cause in terms of Annexure- 2 on which an adjudication has been made by the District Programme Officer vide order dated 30.11.2012, contained in Annexure- 3. The District Programme Officer has dealt with the allegation and the so-called explanation offered by the petitioner. Obviously, the explanation is more an effort to somehow explain away the

omissions found at the time of inspection, which by no stretch of imagination can be said to be valid, rational or acceptable.

Against the order contained in Annexure- 3, petitioner moved the Deputy Director, Welfare, Koshi Division, Saharsa, who passed an order confirming the order of the District Programme Officer, contained in Annexure- 4. This order is dated 21.1.2015. A reading of the order in question would indicate that a detailed hearing has been conducted, all the explanation offered by the petitioner has been taken note of and obviously the explanation offered by the petitioner for the illegalities or the omissions in running of the Centre has not been satisfactorily explained, which would be evident from the order itself.

Since engagement as the Aanganbari Sevika is not a permanent appointment under the State but is under contract with a fixed remuneration, no case for judicial review as such is made out especially when petitioner had been granted two opportunities before two forums to come clean on the issue. If her explanation has not been found satisfactory and there are reasons for doing so this Court will not sit as a forum for super appeal and come to a different finding of facts.

There does not seem to be any legal error as such either with the procedure or the finding, which requires intervention under

Article 226 of the Constitution of India

Writ application, therefore, is required to be dismissed
and is dismissed.

(Ajay Kumar Tripathi, J)

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