

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5255 of 2015

1. Sultana Perween. W/o Subi Ahmad. Resident of village - Herdhu, P.O.-
Kheduganj, Police Station - Islampur, District - Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Social Welfare Department, Govt. of Bihar, Patna.
2. The Director, I.C.D.S. Social Welfare Department, Bihar, Patna.
3. The District Magistrate, Bihar Sharif, Nalanda.
4. The Deputy Director, Welfare Patna Division, Patna.
5. The District Programme Officer, Islampur, Nalanda.
6. The Child Development Project Officer, Islampur, Nalanda.
7. Savitri Kumari. Wife of Suresh Prasad. Resident of village - Jot Bigha, Police Station Islampur, District - Nalanda.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad

For the Respondent/s : Mr. GA1- S.K. SHARMA

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 13-04-2015

13.04.2015

Heard learned counsel for the parties.

Selection of the petitioner as Anganbari

Sevika was made under the circumstances that the previous incumbent was removed by the order of the District Programme Officer (Establishment), Islampur, Nalanda for the charges leveled against her, especially that the centre in question was not being run on the dates of inspection. The previous incumbent, i.e., the private-respondent no. 7 filed an appeal before the Deputy Director, Welfare Division, Patna, who after hearing the petitioner and the appellant, including the

District Programme Officer (Establishment) came to a considered opinion and finding that since the inspection was carried out at a time which was after closure time, therefore, the closure of the centre beyond the period fixed for its functioning cannot be said to be a valid ground for termination of the private-respondent's contract as Anganbari Sevika.

Since the petitioner got a right to be appointed against the vacancy caused due to removal of the private-respondent no. 7, the decision rendered by the Deputy Director, not being irrational or arbitrary, the natural corollary will be that the petitioner will have to be removed and the private-respondent no. 7 restored back on her responsibility as an Anganwari Sewika.

No interference is warranted with the impugned order of the Deputy Director, passed in Anganwari Appeal No. 444 of 2012, decided on 30.12.2014, annexed as Annexure-5 to the writ application.

Writ application is dismissed, accordingly.

(Ajay Kumar Tripathi, J.)

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