

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.23830 of 2013

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1. Poonam Sah, W/O Indu Bhusan Prasad, Resident of Village - Banjariya, Police Station- Banjariya, District East Champaran.
 2. Sudama Devi, W/O Chhatu Mahto, Resident of Village -Banjariya Sahu Tola, Police Station Banjariya, District East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through Secretary Department of Social Welfare, Govt. of Bihar, Patna
2. Director, I.C.D.S. Govt. of Bihar, Patna.
3. District Programme Officer, Motihari, East Champaran.
4. Child Development Project Officer, Banjariya, East Champaran

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 22218 of 2013

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Swarnima Devi, W/O.-Sujeet Kumar Deepak, Resident Of Village-Khokhra, Police Station-Kalyanpur, District-East Champaran.

.... Petitioner

Versus

1. The State of Bihar Through Secretary Department of Social Welfare, Govt. of Bihar, Patna
2. Director, I.C.D.S., Govt. of Bihar, Patna
3. District Programme Officer, Motihari, East Champaran
4. Child Development Project Officer, Kalyanpur, East Champaran.

.... Respondent/s

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Appearance :

(In CWJC No. 23830 of 2013)

For the Petitioner/s : Mr. MANOJ KUMAR SINGH

For the Respondent/s : Mr. RADHIKA RAMAN

(In CWJC No. 22218 of 2013)

For the Petitioner/s : Mr. MANOJ KUMAR SINGH

For the Respondent/s : Mr. KUMARI AMRITA

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL JUDGMENT

Date: 17-12-2015

Both these writ applications are taken up for final hearing and are being disposed of by common order.

Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners in C.W.J.C. No. 23830 of 2013 are Aanganwari Sevika / Sahaika in Banjariya Priyojana in the District of East Champaran. They are aggrieved by order dated 05.04.2013 issued by District Programme Officer (DPO), East Champaran.

The petitioner in C.W.J.C. No.22218 of 2013 seeks quashing of order dated 05.04.2013 passed by the District Programme Officer, East Champaran, whereby her appointment on the post of Aanganwari Sahaika of Central No. 77 (Ward No. 13) in Kalyanpur Pariyojana in the district of East Champaran has been cancelled.

Learned counsel for the petitioners submits that the impugned order has been passed at the behest of the letter dated 22.02.2013 of ICDS Directorate, Patna.

Learned counsel for the State submits that the impugned order has been passed after providing a show cause. Furthermore the appointment is contractual in nature. The respondents for appropriate reasons can terminate such appointments. There cannot be any dispute to the aforesaid propositions. The appointment of Aanganwari Sahaika/ Sevika, is for carrying out the welfare scheme of catering to the need of children.

This Court would not go into the sufficiency or

otherwise of the materials on which such order has been passed.

Nonetheless, the appointing authority is required to pass order on its own volitions. In the instance case, I find that the District Programme Officer, East Champaran has passed the impugned order dated 05.04.2013 in the light of the directions of the Director, ICDS, which cannot be sustained in law. It is, accordingly, quashed.

The case is remitted to the District Programme Officer for passing a fresh order without being influenced by the order of the Director, ICDS.

In the result, these writ applications are allowed to the extent indicated above.

(Samarendra Pratap Singh, J)

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