

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.134 of 2014
Arising out of
Civil Writ Jurisdiction Case No. 12475 of 2012**

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Rekha Kumari @ Rekha Devi, Wife of Sri Lallan Prasad, Resident of Village-
Chakdiwan, P.S. and District- Sheikhpura

.... Appellant/s

Versus

1. The State of Bihar Through The Principal Secretary, Department of Social Welfare, Government of Bihar, Patna
2. The District Magistrate, Sheikhpura
3. The Additional Collector, Sheikhpura
4. The District Programme Officer, Sheikhpura
5. The Child Development Project Officer, Block- Sheikhpura, District- Sheikhpura

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Alok Kumar Sinha, Sr. Advocate
Mr. Bhola Kumar and Mr. Ashish Sinha, Advocates

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 20-04-2016

The order dated 9th October, 2013 passed by the learned Single Bench in CWJC No. 12475 of 2012 is the subject matter of challenge in the present Letters Patent Appeal. By the aforesaid order, the order of removal of the appellant from the post of Anganwari Sevika, passed by the District Programme Officer, Sheikhpura, was not interfered with.

The appellant was ordered to be removed on 01.08.2011 by the order passed by the District Programme Officer, Sheikhpura. Such

order was affirmed in appeal by the District Magistrate, Sheikhpura vide his order dated 21.06.2012. Thereafter, the appellant invoked the writ jurisdiction challenging the aforesaid order.

The learned Single Judge found that enquiry was conducted by the A.D.M. Sheikhpura, who had found that the distribution of take home ration was not being made by the appellant in adequate and prescribed quantity. The A.D.M. also found that only 13 out of 43 children were in the prescribed uniform which again reflected on the poor control of the petitioner in capacity of Anganwari Sevika. In view of the enquiry report, the service of the appellant was dispensed with.

Learned counsel for the appellant relies upon the Government instructions dated 20th June, 2012, wherein the consequences of failure to comply with the norms of take home ration were contemplated. It is contended that in terms of such subsequent instructions, matter should be remitted back to the District Programme Officer to reconsider the issue of termination of service of the appellant.

The service of the appellant was dispensed with in the year 2011 when there was no Circular as is referred to by the appellant. Since the enquiry officer has found misconduct in the distribution of take home ration, therefore, the order of removal alone could be

passed against the appellant who was engaged on contractual basis.

In view thereof, we do not find any merit in the present appeal. The appeal is accordingly dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

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