

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1987 of 2014

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Bibi Husna Ara, W/o Minhaj Alam, Resident of Taran Ghat Tola, P.O.
Dubba, P.S. Araria, District-Araria

.... Petitioner/s

Versus

1. The State of Bihar
2. The Director, Chief Development Scheme (The Govt. of Bihar)
3. The District Magistrate, Araria
4. The District Programme Officer, Araria
5. The Child Development Programme Officer, Araria, District-Araria

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Abu Haidar, Advocate
Mr. Nadimul Hasan, Advocate
For the Respondent/s : Mr. Kameshwar Kumar, G.P.-17
Mr. Sanjay Kumar, A.C. to G.P.-17

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

4 27-07-2016 Heard Mr. Abu Haidar, learned counsel for the

petitioner and Mr. Kameshwar Kumar, learned Government

Pleader-17 for the State.

The petitioner is aggrieved by the order bearing
Memo No. 3(Mu.) dated 12.11.2013 issued under the signature of
the District Programme Officer, Araria whereby the services of the
petitioner as Anganwari Sevika, Centre-185, Taran Ghat Tola in
the District of Araria has been terminated, a copy of such order is
impugned at Annexure-1 to the writ petition.

Mr. Abu Haidar, learned counsel for the petitioner
with reference to an enquiry report present at Annexure-3 submits



that a state level enquiry team was constituted to enquire into the functioning of the different Anganwari centres and the report present at Annexure-3 would show that nine centres were found wanting on its operation. He submits that although there were irregularities found in the centre being operated by the petitioner but similar irregularities were also found in other centres and whereas the recommendation was the same but while the respondents have chosen not to proceed against the other eight Anganwari centres, the petitioner has been singled out for termination. Learned counsel in support of his submission has relied upon certain Bench decision of this Court enclosed with an interlocutory application bearing I.A. No. 8958 of 2014 to submit that the petitioner could not have been discriminated. It is following the issue raised by the petitioner that this Court directed counsel for the respondents to respond and whether the petitioner was singled out in the process. It is following the order passed on 23.12.2014 that a supplementary counter affidavit has been filed enclosing an inspection report dated 06.4.2013 at Annexure-B and Mr. Kameshwar Kumar, learned State counsel while accepting the fact that the services of other Anganwari Sevika has not been terminated, submits that the case of the petitioner was different for

neither the petitioner was present at the centre nor the *Posahar* was being prepared.

Contesting the argument of discrimination advanced by Mr. Haidar, it is submitted by learned State counsel that since the petitioner was found to be a perpetual defaulter hence the impugned action. He further submits that although an appellate remedy is available to the petitioner but she has not chosen to exhaust the same.

I have heard learned counsel for the parties and perused the records. Though a plea of discrimination and extreme penalty has been raised by learned counsel for the petitioner but considering the irregularities found at the centre operated by the petitioner on two consecutive dates and even when the Integrated Child Project Officer, Jokihat vide her report dated 6.9.2013 had recommended for termination of the appointment of the petitioner as manifest from Annexure-B but the petitioner has not chosen to correct herself and which is apparent from the report present at Annexure-3 which shows that even on the next day i.e. 07.9.2013 the situation did not change and the petitioner was absent and no *Posahar* was being prepared. The supplementary counter affidavit at paragraph-5 rightly mentions that the case of the petitioner is

distinguishable from the other Anganwari Sevika(s).

In the circumstances discussed, no cause for indulgence is made out. The writ petition is dismissed.

(Jyoti Saran, J)

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