

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10497 of 2013

Neelam Kumari Wife of Devendra Kumar, resident of village - Mungrar, Panchayat
Bairiya Block, P.S. and District- Supaul.

.... Petitioner/s

Versus

1. Chief Secretary, State of Bihar
2. Principle Secretary, State of Bihar through Social Welfare Department.
3. District Programme Officer, Supaul
4. District Magistrate, Supaul
5. Commissioner Kosi Zone, Saharsa
6. Secretary, Integrated Child Development Schemes, Patna

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Verma, Adv.

For the Respondent/s : Mr.P.K. Verma, AAG-3

Mr. Divya Verma, AC to AAG-3

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 07-09-2016

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

The counsel for the State submits that the proper welfare
stamp would be supplied by tomorrow.

In this case, the petitioner is challenging the order of
District Programme Officer, Supaul dated 30.03.2012 recording the
fact that at the time of inspection of Centre No. 17, it was found that
food articles were not being prepared there and during explanation,
the petitioner has explained that food materials used to be purchased
by the elder brother of her husband and he provides raw food material
for cooking, the records were also kept by him. Sahayika on query,

had stated that food articles were not prepared yesterday and today, on that ground, it was found that she was not running the Centre in a proper manner.

The District Programme Officer, Supaul has removed the present petitioner from the post of Anganwari Sevika and directed Anganwari Sevika of Centre No. 17 to take charge.

The counsel for the petitioner submits that the petitioner has filed the explanation where it has been mentioned that the date of inspection due to bad weather, the food articles were cooked in another room, as the roof where students were assembled, was not properly maintained and water was trickling down from the top. It has further been stated that as the condition of weather was not good, the register was kept in her house and merely for minor irregularities or for some deviation, the petitioner should not be removed from the post of Anganwari Sevika whereas the counsel for the State has drawn attention of this Court to page No. 16 of the counter affidavit where the present petitioner, in her own handwriting, has stated that the raw food materials were purchased by the elder brother of her husband and records were also kept by him. Sahayika has also stated, in writing, that foods were not given to students yesterday and there was no scenario for preparation of meal on the day of inspection. District Programme Officer in its finding, has recorded

that when he reached Centre No. 17, Anganwari Sevika was found sitting and Sahayika was teaching the children, morning snack was not given to the children and there was nothing available for the Day-Meal. It is major deviation, not minor deviation so much so T.H.R. register, weight machine, pre-school kits etc. were also not available there, so much so the petitioner herself accepted that Centre No. 17 was actually being run by the elder brother of her husband and so much so for two days i.e. on 1st March 2012 and on 2nd March 2012 meal was not given to children though in the show cause, plea has been taken that the food articles were under preparation in the another room.

This Court in the judicial review, would not like to interfere with the order of the District Programme Officer in view of the statement recorded by the District Programme Officer, written admission of petitioner and statement made by Sahayika.

In such view of the matter, this Court does not find any merit in the present case and the same is, accordingly, dismissed.

(Shivaji Pandey, J)

Mahesh/-

AFR/NAFR	NAFR
CAV DATE	N/A
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