

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.596 of 2014

Arising out of

Civil Writ Jurisdiction Case No. 22582 of 2012

Meena Devi, Wife of Swami Nath, Resident of Village- Bhanpur, P.O.+P.S.-
Durgawati, District- Kaimur (Bhabua)

.... Appellant/s

Versus

1. The State of Bihar through its Secretary, Social Welfare Department, Government of Bihar, Patna
2. The Director, I.C.D.S Directorate, Social Welfare Department, Government of Bihar, Patna
3. The District Magistrate, District- Kaimur (Bhabua)
4. The District Programme officer, District- Kaimur (Bhabua)
5. The Sub-Divisional officer, Mohania, District- Kaimur at Bhabua.
6. The Child Development Project officer, Durgawati, District- Kaimur at Bhabua

.... Respondent/s

Appearance :

For the Appellant : Mr. Ramchandra Singh, Advocate
For the State : Mr. Anil Kumar Singh, GP 26 with
Mr. Nawal Kishore Singh, AC to GP 26

**CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA
and**

**HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 09-09-2016

The challenge in the present Letters Patent Appeal is to
an order passed by the learned Single Bench of this Court on
04.03.2014 whereby the termination of services of the appellant as
Anganwari Sevika on 23.01.2008 was not interfered with.

The Centre, of which the appellant was *Anganwari
Sevika*, was inspected on 11.01.2008. The appellant has submitted her
explanation on 17.01.2008 pointing out that she has gone to A.N.M.



Indu Devi at 11:00 A.M. for furnishing survey report of *Muskan Yojana*. Her helper did point out that she is not well but she proceeded to furnish papers as they were urgently required. The helper went to toilet. In the meantime, the children went to their school and that by the time she came back, the Centre was inspected and report has been given. She submitted that her Centre is never closed and that she went to submit a report of '*Muskan*' presuming it to be very important.

It is thereafter the order of termination was passed on 23.01.2008. The duty of the *Anganwari* worker was not only to take care of the children, provide meal, but also to distribute Take Home Ration but still, the appellant was found not distributing the Take Home Ration which is clear violation of the responsibilities entrusted to her.

The writ petition challenging the said order was preferred in the year 2014. The learned Single Bench dismissed the same finding *inter alia* on the ground that the writ petition is delayed and that Centre was not functioning on the date of inspection. The explanation given is cover up as the Centre was closed and none of the children were provided adequate meal or distribution of Take Home Ration was ensured.

A perusal of explanation shows that the appellant has

preferred to submit survey report of ‘*Muskan*’ even if she was aware that her helper is not feeling well. The action of the appellant in leaving the Centre and the children is misconduct which has been rightly noticed by the Director, Integrated Child Development Services (ICDS) and the order of termination passed.

In view thereof, we do not find any error in the order of termination of the appellant and the order of the learned Single Bench.

Accordingly, the Letters Patent Appeal stands dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Anjani/P. Kumar

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	20.09.2016
Transmission Date	N/A