

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1102 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 7353 of 2014
Along with
Interlocutory Application No.4766 of 2015

=====

Smt. Sanju Kumari, Wife of Subalal Ram, Resident of village - Chitwara
Mubarakpur Police Station- Sheikhpura, District – Sheikhpura.

.... Petitioner-Appellant/s

Versus

1. The State of Bihar.
2. The District Magistrate, Sheikhpura.
3. The District Programme officer, Sheikhpura.
4. The Child Development Project officer, Sheikhpura.
5. The Divisional Commissioner, Munger.
6. The Director, ICDS, Directorate Social Welfare Department Govt. of Bihar,
Patna.

.... Respondents-Respondent/s

=====

Appearance :

For the Appellant : Mr. Abdul Mannan Khan, Advocate
Mr. Md. Harun Quareshi, Advocate

For the Respondent/s : Mr. Prabhakar Jha, G. P.-27
Mr. Shankar Kr. Thakur, A.C. to G.P.-27

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

And

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 21-09-2016

Re.: Interlocutory Application No.4766 of 2015

The application is for condonation of delay of 64 days in
filing of the present Letters Patent Appeal.

For the reasons mentioned in the application, we find that
sufficient cause is made out for condonation of delay. Consequently,
we condone the delay in filing of the present Letters Patent Appeal.

Interlocutory Application stands allowed accordingly.

Re.: Letters Patent Appeal No.1102 of 2015

The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Bench of this Court on 16th of January, 2015 whereby, the order of the District Magistrate dated 24th February, 2014 maintaining the order of removal of the appellant as Anganwari Sevika was not interfered with.

The selection of the appellant as Anganwari Sevika was cancelled on 30th of May, 2008 by an order passed by the District Magistrate, Sheikhpura. The said order was set aside by this Court and the matter was remitted to the District Magistrate for passing a fresh order. It is thereafter, the District Magistrate passed an order on 24th of February, 2014 finding that various irregularities were committed by the appellant when she was running the Anganwari centre in question, consequently her removal was not interfered with.

The learned Single Judge has, *inter alia*, found that since the year 2008 when the appointment of the appellant as Anganwari Sevika was cancelled, there is no regular Anganwari Sevika. The appellant is out of her engagement for more than six years. The appointment of the appellant as Anganwari Sevika has been set aside for the reason of commission of various irregularities, which includes non-distribution of Take Home Ration.

The argument of learned counsel for the appellant is that there is no allegation of defalcation of any amount. Therefore, her removal is not tenable. We do not find any merit in the argument raised. There may not be any allegation of misappropriation of any amount, but the allegation is of non-performance of duties assigned to Anganwari Sevika. It is the said order, which led to termination of her service in the year 2008 and the District Magistrate did not find any illegality in the order passed on 24th of February, 2014.

We do not find any error in the order passed by the learned Single Judge which may warrant interference in the present intra court appeal. The Letters Patent Appeal is, therefore, dismissed.

(Hemant Gupta, J.)

(Ahsanuddin Amanullah, J.)

Sunil/-

AFR/NAFR	N. A. F. R.
CAV DATE	N. A.
Uploading Date	26.09.2016
Transmission Date	