

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No. 561 of 2014

Arising out of

Civil Writ Jurisdiction Case No. 18106 of 2012

=====

Nutan Sinha, Wife of Sri Narendra Kumar Sinha, Resident of Village - Teyar, P.S. - Akbarpur, District – Nawada.

....Petitioner/s / Appellant/s

Versus

1. The State of Bihar through Principal Secretary, Welfare Department, Bihar, Patna.
2. The Director, I.C.D.S., Government of Bihar, Patna.
3. The District Magistrate, Nawada.
4. The District Programme Officer, Nawada.
5. The Block Development Officer, Akbarpur Block, Nawada.
6. The Child Development Programme Officer, Akbarpur Block, Nawada.

.... Respondent/s

=====

Appearance :

For the Appellant/s	:	Mr. Krishna Kant Singh & Mr. Binay Kumar, Advocates
For the State	:	Mr. Dhurjati Kumar Prasad, G.P. 14

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA
and
HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH)

Date: 08-09-2016

Heard learned counsel for the parties.

2. The challenge in the present intra Court appeal is to the order dated 03.01.2014 passed by the learned Single Bench by which C.W.J.C. No. 18106 of 2012, filed by the appellant has been dismissed.

3. The appellant was working as *Anganbari Sevika* in Teyar Dalit Tola, Centre Code No. 52 under Akbarpur Block in the District of Nawada. An inspection was made by the Child Development Project Officer (CDPO) Akbarpur on 15.03.2012.



Various irregularities in running of the Centre, including non display of the board outside the Centre, no children being present, non display of the menu at the Centre, non display of the list of beneficiaries, not giving the full diet, no proper distribution of T.H.R., non formation of T.H.R. packets for distribution, non recording of the weight of the children, non maintaining of the register etc.

4. Accordingly, a show cause was asked by the District Programme Officer, Nawada under Memo No. 404 dated 17.03.2012. The appellant replied on 27.03.2012 denying all the charges. After hearing the appellant and considering her show cause, the District Programme Officer under Memo No. 486 dated 31.03.2012, removed the appellant from the post of *Anganbari Sevika*. The appellant filed appeal before the District Magistrate, Nawada in which by order dated 09.08.2012, the order of removal of the appellant was upheld and direction was given to the CDPO to make fresh selection of *Anganbari Sevika*. The appellant moved this Court against the order of the District Magistrate dated 09.08.2012 in C.W.J.C. No. 18106 of 2012 and dismissal of the same by the learned Single Bench on 03.01.2014 has given rise to the present Letters Patent Appeal.

5. Learned counsel for the appellant submitted that after being engaged as *Anganbari Sevika* for a long period without



any complaint, the order of termination is harsh. He further submitted that the appellant had denied all the charges but without considering the same she was removed from the post. Learned counsel submitted that the sole ground of her removal is the report of the CDPO but the same was never verified. It was contended that the appellant was unable to meet the illegal demand of the CDPO due to which she has been punished.

6. Learned counsel for the State submitted that the deficiencies found were glaring and the scheme meant for the children and family of the under privileged and weaker sections of the society, the irregularities found could not have been condoned.

7. Having considered the rival contentions, we do not find any merit in the present appeal. The appellant does not deny that the inspection was made on 15.03.2012, and with regard to the deficiencies mentioned in the show cause, her explanation is that everything was in order, but the CDPO did not see the real thing and has erroneously given the report. However, with regard to certain issues, she has stated in her show cause that she was not aware of the same and in future would act as per the prescribed norms. Though the appellant has raised the issue of *mala fide* against the CDPO but the officer not having made party in individual capacity, such allegation cannot be sustained or looked into. Further, the order to remove the appellant was that of the District Programme



Officer and the same has been upheld by the District Magistrate, Nawada by a detailed and well considered order. The appellant has not raised any allegation of bias or *mala fide* against the District Programme Officer or the District Magistrate, Nawada. Moreover, the appellant was heard and her show cause considered by the District Programme Officer before passing of the order of removal, and learned counsel for the appellant was heard by the District Magistrate, Nawada before disposing off the appeal. Thus, we do not find any error in the order of the authorities or the learned Single Bench.

8. In view thereof, we do not find any ground to interfere and accordingly, the Letters Patent Appeal stands dismissed.

(Hemant Gupta, J.)

(Ahsanuddin Amanullah, J.)

Anand Kr.

AFR/NAFR	
U	

