

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.532 of 2015

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Sima Kumari Gupta W/o Vishwa Prakash Gupta Resident of village- Chak Madari,
Kasba Mehashi, Police Station- Mehashi, District- East Champaran

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Social Welfare Department, Govt. of Bihar, Patna
2. The Director I.C.D.S., Govt. of Bihar, Patna
3. The Deputy Director Kalyan, Tirhut Division, Muzaffarpur
4. The District Magistrate, East Champaran, Motihari
5. The District Programme Officer, East Champaran, Motihari
6. The Child Development Programme Officer (C.D.P.O.), Mehashi, East Champaran

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Manoj Kumar Singh, Advocate

For the Respondent/s : Mr. Dhurjati Kumar Prasad, G.P.-14

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 15-11-2016

Heard Mr. Manoj Kumar Singh, learned counsel
appearing for the petitioner and Mr. Dhurjati Kumar Prasad, learned
Government Pleader No. 14 for the State.

The writ petition has been heard with a view to final
disposal at the stage of admission itself.

The writ petition was filed questioning the order bearing
Memo No. 133 dated 11.7.2014 passed by the Child Development
Project Officer, Mehashi, the respondent no. 6 whereby the petitioner
has been terminated from the post of Anganbari Sevika, Anganbari
Kendra No. 52 situated at village- Mehashi, Block-Mehashi in the

District of East Champaran, a copy of such order is impugned at Annexure-9.

Mr. Manoj Kumar Singh, learned counsel for the petitioner with reference to the order in question has submitted that the Child Development Project Officer has mechanically passed order of termination, obeying the directives issued by the Deputy Director, Welfare, Tirhut Division, Muzaffarpur as contained in his letter bearing No. 270 dated 20.6.2014. He thus submits that the order resting on directives of a superior authority does not show application of mind and is fit to be quashed.

The argument of Mr. Singh is contested by Mr. Prasad learned State counsel who with reference to the counter affidavit filed in the proceeding has submitted that no doubt the order impugned at Annexure-9 was suffering from some infirmity but the lacuna whatsoever stands removed inasmuch as following the observations of the Deputy Director as present in his letter dated 20.6.2014 enclosed at Annexure-C that a show cause was issued to the petitioner by the District Programme Officer on 04.7.2014 requiring her to give her reply by 08.7.2014, a copy of which show cause is enclosed at Annexure-E to the counter affidavit. He submits that the petitioner appeared and filed her reply and also defended her husband by submitting that the allegations are false. According to the petitioner,



the name of the victim girl was removed from the register on 01.5.2014 and whereafter she was not coming to the center. The matter was heard and final order has been passed by the District Programme Officer bearing Memo No. 2105 dated 21.7.2014 enclosed at Annexure-F. He thus submits that where the petitioner has been noticed and has been afforded opportunity of hearing by the competent authority whereafter an order of dismissal has been passed by the District Programme Officer, the competent authority on 21.7.2014 vide Annexure-F, the order does not require interference.

I have heard learned counsel for the parties and I have perused the records.

Running of a centre under the scheme of Anganwari, is not a routine operation rather accompanies immense responsibility because the Anganwari Sevika and Sahayika in charge of the centre are repository of trust reposed by the parents of the children attending the centre. Thus even though it has a welfare character, a lot of responsibility is attached to the post of Anganwari Sevika/ Sahayika.

The contest at hand is founded on a FIR arising from Mehashi P.S. Case No. 72 of 2014 registered on 08.5.2014 instituted by the father of the victim girl inter alia under Section 376 of I.P.C. The FIR accuses the husband of the petitioner of sexually assaulting the daughter of the informant. Though the allegation in the FIR is

directed against the husband of the petitioner but considering that the alleged occurrence has taken place at the centre of which the petitioner is the In-Charge and she has not been able to maintain the sanctity of the centre resulting in the unfortunate incident, even though the criminality to the offence is attached to the husband but the liability for the occurrence has to be shared by the petitioner and she cannot escape the same. The petitioner has failed in her duty to protect the children coming at her centre and considering that it is her husband who is at the centre of things, in my opinion, the order passed by the District Programme Officer present at Annexure-F does not suffer any infirmity requiring any interference.

The writ petition is dismissed accordingly.

(Jyoti Saran, J)

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