

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14957 of 2008

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Veena Devi, W/O Sunil Sah, R/O Mohalla- Malkauli, Ward No. 1, P.O. – Malkauli,
P.S. – Bagaha, District – West Champaran.

.... Petitioner

Versus

1. The State of Bihar
2. The Secretary-cum-Commissioner, Welfare Department, Bihar, Patna.
3. The Collector-cum-District Magistrate, West Champaran at Bettiah.
4. The S.D.O. Bagaha, West Champaran.
5. The Child Development Project Officer, West Champaran.

.... Respondents

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Appearance :

For the Petitioner : Mr. Kumar Shashank Shekhar, Advocate.

For the Respondents : Mr. (GP6)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 19-01-2017

Heard both sides.

The petitioner filed this petition for quashing the order as contained in Letter No. 124 dated 16.07.2008 issued by the Child Development Project Officer, Bagaha West Champaran by which in pursuance of the order dated 07.06.2008 of the District Magistrate and the Order No. 785 dated 09.07.2008 of the District Programme Officer, West Champaran the service of the petitioner as Anganbari Sevika was terminated.

The petitioner was appointed as Anganbari Sevika on 28.06.2007 for the Centre No. 289 Tola Bariya Tola notified area Bagaha West Champaran. On the basis of some complain the Sub-Divisional Magistrate, Bagaha held an enquiry and found that the



petitioner happens to be daughter-in-law of Baijnath Prasad, a licensee of PDS shop dealer and accordingly vide Letter No. 323 dated 18.04.2008, recommended for termination of the service of the petitioner as the petitioner was appointed against the guideline of Welfare Department, Government of Bihar as contained in Memo No. 2783 dated 03.10.2006, in which it has been specifically stated that the daughter, wife and daughter-in-law of the PDS shop dealer shall not be appointed Anganbari Sevika, but the petitioner was appointed against the aforesaid direction. In pursuance of the aforesaid recommendation, the District Magistrate as well as the District Programme Officer terminated the service of the petitioner which was communicated by the Child Development Project Officer, Bagaha.

Learned counsel for the petitioner submits that no notice was ever served to the petitioner or show cause about the termination of her service, but it appears that the petitioner concealed the facts in her application, that she happens to be daughter-in-law of a PDS shop dealer and the appointment of the petitioner on the post of Anganbari Sevika is bad on concealment of this fact.

The petitioner has stated that she is daughter-in-law of Baijnath Prasad and she has already been separated, but the letter as contained in Memo No. 2783 dated 03.10.2006 does speak that daughter, wife and daughter-in-law of the PDS shop dealer shall not



be appointed on the post of Anganbari Sevika and such appointment is against the direction of the Welfare Department, Government of Bihar. Thus aforesaid appointment of the petitioner was illegally made.

Considering the facts aforesaid, I do not find any merit in the writ petition. Accordingly, the same is dismissed.

(Prabhat Kumar Jha, J)

KKSINHA/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.01.2017
Transmission Date	

