

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15042 of 2013

=====

Devanti Kumari Wife of Sri Kedar Prasad @ Kedar Singh Resident of Village
:Dadhpi, Police Station : Madanpur, District : Aurangabad

.... Petitioner

Versus

1. The State of Bihar through the District Magistrate, Aurangabad
2. The District Magistrate, Aurangabad
3. The Assistant Director, Integrated Child Development Scheme Directorate, Bihar, Patna
4. The District Programme Officer, Aurangabad
5. The Child Development Project Officer, Madanpur, Aurangabad
6. The Mukhiya, Gram Panchayat Raj, Dadhpi, Block - Madanpur, District : Aurangabad
7. The Panchayat Secretary, Gram Panchayat Raj, Dadhpi, Block : Madanpur, District : Aurangabad

.... Respondents

=====

Appearance:

For the Petitioner : Mr. Kamendra Prasad Singh, Advocate
For the Respondents : Mr. Kaushal Kumar Jha, AAG 8

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 13-09-2017

The present writ petition has been filed for setting aside the order dated 17.05.2013 passed in Anganwari Appeal Case No. 46 of 2012, by the Court of District Magistrate-cum-Collector of Aurangabad whereby and whereunder the said appeal has been dismissed; for setting aside the order dated 24.12.2011 passed by the District Programme Officer, Aurangabad in Case No. 69 of 2011, whereby and whereunder the petitioner has been removed as Anganwari Sevika, Aanganbari Centre, Dadhpi, Block Madanpur, District Aurangabad; and to reinstate the petitioner as Anganwari Sevika, Anganwari Centre, Dadhpi, with all consequential benefits.

2. Learned counsel for the petitioner submits that on 04.07.2011



a day prior to the inspection made by the Assistant Director, ICDS at the Anganwari Centre, the petitioner being the Anganwari Sevika had applied for casual leave for two days which was approved by the Mukhiya, and an application was also made before the C.D.P.O., Madanpur (Annexure-4 and 4/A) after handing over charge of the centre to the Anganwari Sahayika.

3. Learned counsel for the State on the other hand, opposes the stand of the petitioner pointing out from the impugned orders that on the date of inspection, not only the petitioner (Anganwari Sevika) was absent, but also the Anganwari Sahayika also claims to have taken ill and gone on leave. The charge register was not produced to verify the claim of the petitioner that charge had been handed over to the Anganwari Sahayika. The competent authority to grant casual leave to the Anganwari Sevika is the Panchayat Secretary on an application to be made by the Anganwari Sevika as approved by the Mukhiya, in terms of letter No. 9/ICDS/12/2001/Ka. Sa. Ka. 32 dated 25.09.2001.

4. Having heard the parties and on a consideration of the materials on record, this Court finds the writ petition to be devoid of merit. Merely getting endorsement of the Mukhiya on her leave application did not entitle the petitioner to proceed on leave unless the same was permitted by the Panchayat Secretary. The application of the petitioner to the C.D.P.O. was also not properly addressed to the competent authority nor there is any evidence to show that the letter was actually filed in the office of the C.D.P.O.

5. In the above circumstances, this Court is not inclined to interfere in the matter. The writ petition stands dismissed.

(Vikash Jain, J)



Chandran/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	14.09.2017
Transmission Date	N.A.

