

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.6599 of 2014**

=====

1. Babita Kumari Wife Of Pradeep Paswan Resident Of Village - Pain, P.O. Pain,  
P.S. Sheikhpura, District - Shikhpura

.... .... Petitioner/s

Versus

1. The State Of Bihar Through Principal Secretary Department Of Social Welfare ,  
Govt. Of Bihar, Patna.
2. The Director Integrated Child Development Scheme (Icdis) Bihar, Patna.
3. District Magistrate, Sheikhpura.
4. District Programme Officer, Sheikhpura.
5. Child Development Project Officer, Sheikhpura.

.... .... Respondent/s

=====

**Appearance :**

For the Petitioner/s : Mr. Sanjay Kumar

For the Respondent/s : Mr. Avinash Kumar, AC to SC15

=====

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA**

**ORAL JUDGMENT**

**Date: 27-07-2017**

Heard both sides.

2. The petitioner filed this writ petition for quashing the order passed by the District Programme Officer, Sheikhpura in Misc. Case No. 53 of 2012 and 56/2012 contained in Memo No. 596 dated 20.09.2012 by which the petitioner has been removed from the post of Anganbari Sevika of Pain Harijan Tola Centre No. 128 and 129 as contained in Annexure-1.
1. The petitioner further prays for quashing the order passed in Appeal Case No. 52 of 2012 dated 21.02.2013 by which the Collector, Sheikhpura dismissed the appeal of the petitioner.



3. The petitioner was appointed on the post of Anganbari Sevika in Centre No. 128 and 129 of Pain Harijan Tola. The District Level Committee inspected both the centers and found that no child was present on Centre No. 129. No nutritious food was prepared and consequently, the petitioner was called upon to show cause. The District Programme Officer vide order dated 20.09.2012 cancelled the selection of the petitioner from the post of Anganbari Sevika from both the centers, as the petitioner was found providing insufficient food and unsatisfactory service.

4. Learned counsel for the petitioner submits that the cancellation of selection of the petitioner is bad and not sustainable. The District Programme Officer did not consider the reply of the petitioner. The petitioner had gone to Primary Health Centre to bring Vitamin A for distribution among the children but, the District Programme Officer and the appellate authority did not consider this fact, therefore, the orders of the District Programme Officer as well as the appellate authority are not sustainable.

5. As per contra, learned counsel for the State submits that the orders do not require any interference. The petitioner was working on Anganbari Centre No. 128 of Pain



Harijan Tola and Anganbari Centre No. 129 of Uttari Tola. The District Level Committee inspected both the centers and found that at Centre No. 128 no child was present and on Centre No. 129 only seven children were present but they were not properly dressed. When the petitioner was asked to show cause, the petitioner did not give satisfactory reply to the deficiencies found at the time of inspection of the centers. The inspection report, itself, shows that the petitioner was not providing food to the children and defeating the object of running the scheme. Only seven children were present and no mid day meal was prepared at about 10:00 am. Presence of less number of children, itself, is a ground for closing the centre. The District Programme Officer as well as the appellate authority considered the show cause of the petitioner and found that the petitioner failed to give any satisfactory reply.

**6.** Having considered the submissions of both sides and the facts on record, I find that the inspection team inspected both the centers but the petitioner was not present. No child was present in Centre No. 128 and only seven children were present whereas at least twenty five children should have been present on each centre. Inspecting team further disclosed that no mid day meal was prepared till 10:00 A.M. The presence of a few



children is itself a good ground for closing the centre. The petitioner could not be able to explain any points and, therefore, I find that the District Programme Officer as well as the appellate authority rightly cancelled the selection of the petitioner from the post of Anganbari Sevika.

7. Having considered the facts and discussions made above, I find no reason to interfere in the order. Accordingly, the writ petition is dismissed.

**(Prabhat Kumar Jha, J.)**

KKSINHA/-

|                   |            |
|-------------------|------------|
| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
| Uploading Date    | 16.08.2017 |
| Transmission Date | NA         |

