

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8823 of 2014

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1. Mukti Kalyani D/o Sri Rahbel Ekka resident of village - Khusrupur, P.S. - Khusrupur, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Social Welfare Department.
2. The Divisional Commissioner, Patna.
3. The Director I.C.D.S. Directorate, Social Welfare Department, Bihar, Patna.
4. The District Magistrate, Patna.
5. The District Programme Officer, Patna.
6. The Child Development Project Officer Khusrupur, Block Khusrupur, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Madan Kumar Singh

For the Respondent/s : Mr. Rabish Chandra, AC to SC 6

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 17-08-2017

Heard both sides.

2. The petitioner has filed this writ petition against the order dated 25.06.2011 as contained in Memo No. 710 passed by the District Programme Officer, Patna in Misc. Case No. 85/11-12 (Annexure-4) by which the selection of the petitioner from the post of Anganbari Sevika of Anganbari Centre No. 3 has been cancelled. The petitioner further challenged the order passed by the Collector in Case No. 30 of 2011 order dated 05.04.2013 (Annexure-5) and the order dated 15.01.2014 passed by the Divisional Commissioner, Patna in



Miscellaneous Appeal No. 393/2013 by which the Collector and Commissioner affirmed the order of the District Programme Officer.

3. Learned counsel for the petitioner assailed the order on the ground that the centre was open during the summer days from 8:00 AM to 12:00 PM but, the District Programme Officer inspected the centre at 12:30 PM. The District Programme Officer, himself, inspected the centre of the petitioner and passed the order of cancellation of selection of the petitioner. The petitioner is working as Sevika from the year 1980 and no irregularity was ever found.

4. On the other hand learned counsel for the State submitted that the show cause filed by the petitioner, itself, shows that different irregularities were found at the time of inspection and the authorities did not find the show cause of the petitioner acceptable and accordingly passed the order. There is no apparent irregularity and infirmity in the order.

5. Having considered the submissions of both the sides and on perusal of the records, I find that the petitioner has wrongly taken plea that the centre was inspected at 12:30 PM. From the letter of the District Programme Officer it appears that he, himself, inspected the centre at 11:30 AM and at the time of the inspection Anganbari Sevika, the petitioner and the Sahayika both were present. Sevika was teaching the students but only two students were present.



THR register was not found at the centre and nutritious food was not prepared. The attendance of the students was not marked on 13.05.2011 and 14.05.2011 on which the District Programme Officer inspected the centre. When the District Programme Officer found such irregularities and non-performance of duty on the part of the petitioner, the petitioner was show caused. The petitioner in her show cause stated that the inspection was made at 12:30 PM beyond the working hour which is not at all acceptable. From the show cause, itself, it is made clear that the petitioner admitted that the THR register was not made available. The petitioner did not explain why the attendance of the students was not marked on 13.05.2011 and 14.05.2011. The petitioner did not give any satisfactory reply with regard to non-preparation of nutritious food Poshahar and therefore, I find that the authorities have rightly come to the conclusion that the petitioner is non-performer and the object of the scheme is not being fulfilled. Anganbari Sevika is not a government servant and she is working as agent of the department to execute the scheme to prevent malnutrition among the children and pregnant lady. If it is found that the petitioner is not rendering service properly among the children on being so asked by the authority the petitioner can be removed from service if found rendering unsatisfactory service.

6. Considering the facts aforesaid, I find no good ground



to interfere in the order of termination of the petitioner and the appellate order. Accordingly, this writ petition is dismissed.

(Prabhat Kumar Jha, J)

KKSINHA/-

AFR/NAFR	NAFR
CAV DATE	NA
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