

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

**Letters Patent Appeal No.1533 of 2015  
Arising out of  
Civil Writ Jurisdiction Case No. 14614 of 2014  
Alongwith  
Interlocutory Application No. 6875 of 2015**

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Kumari Poonam Sinha, W/o Awadhesh Prasad, resident of Village Gouchhi Chak,  
P.O. Rasisa, Block & Police Station Ekangarsarai, District Nalanda.

.... .... Appellant

Versus

1. The State of Bihar through the Secretary, Social Welfare Department, Government of Bihar, Patna.
2. The Director, I.C.D.S., Social Welfare Department, Govt. of Bihar, Patna.
3. The Divisional Commissioner, Patna Division at Patna.
4. The Deputy Director, Welfare, Patna Division, Patna.
5. The District Magistrate, Nalanda at Biharsharif.
6. The District Programme Officer, Nalanda at Biharsharif.
7. The Child Development Project Officer, Ekangarsarai, District Nalanda.
8. The Mukhiya, Gram Panchayat Raj Jamuawa, Block Ekangarsarai, District Nalanda.

.... .... Respondents-Respondents

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**Appearance :**

For the Appellant : Mr. Gautam Kumar Yadav, Advocate.  
For the Respondents : Mr. Anil Kr. Sinha, G.A. 9 and Miss Aditi Hansaria,  
A.C. to G.A. 9.

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**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE  
and  
HONOURABLE MR. JUSTICE SUDHIR SINGH**

ORAL JUDGMENT

**(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)**

**Date: 03-02-2017**

Re.: Interlocutory Application No. 6875 of 2015.

The application for condonation of delay of 73 days in  
filing of the present Letters Patent Appeal.



For the reasons mentioned in the application, we find that sufficient cause is made out for condonation of delay. Consequently, we condone the delay in filing of the present Letters Patent Appeal.

Interlocutory Application stands allowed accordingly.

Re.: Letters Patent Appeal No. 1533 of 2015.

Heard learned counsel for the appellant and the respondents.

In this Letters Patent Appeal, the challenge is made to the order dated 20.03.2015 in CWJC No. 14614 of 2014, passed by the learned Single Bench of this Court, whereby the writ petition filed by the appellant herein, against her removal from the post of Sevika of Anganbari Centre No.94, Gaurichack, vide order contained in Memo No. 1248 dated 10.04.2012, passed by the District Programme Officer, Nalanda, which being affirmed by the District Magistrate, Nalanda, and thereafter also being affirmed by the Commissioner, Patna Division, Patna, has been dismissed.

The brief facts leading to the present Letters Patent Appeal are that the appellant herein was selected and serving the post of Anganbari Sevika at Gaurichack Centre No.94 under Block Ekangarsarai within the District of Nalanda. On 18.02.2012 around 11.15 A.M, the Lady Supervisor, Ekangarsarai, made



inspection of the Centre of the appellant and did not found a single child present at the Center, whereas in the attendance register 13 children were shown present, thereafter the Lady Supervisor also made entry of the inspection report in the inspection register available at the Centre. Thereupon on the basis of said inspection report, District Programme Officer, Nalanda, vide Memo No. 949 dated 15.03.2012 asked explanation from the appellant regarding the irregularities found in course of inspection of the Anganbari Center. The appellant submitted explanation to District Programme Officer, Nalanda, stating therein that at the relevant time of inspection, children had gone to attend Tilak Ceremony (engagement ceremony) in their village, in the meanwhile, the Lady Supervisor came at the Centre and made inspection report as to harass the appellant. The District Programme Officer, Nalanda, found the explanation of the appellant, being not satisfactory and removed the appellant and the Sahaika Sarvila Devi also from their respective posts, vide Memo No. 1248 dated 10.04.2012.

Against the said order of removal, the appellant preferred Misc. Case No. 61/2012 before the District Magistrate, Nalanda, who vide order dated 26.06.2012 rejected the case of the appellant and affirmed the order of the District Programme Officer contained in Memo No. 1248 dated 10.14.2012. Thereafter the appellant preferred Misc. Appeal No. 608/2012 before the



Divisional Commissioner, Patna, who vide order dated 03.04.2014, dismissed the appeal and affirmed the order dated 26.06.2012 passed by the District Magistrate, Nalanda.

There is consistent and concurrent finding of the statutory authorities against the appellant that on the relevant date she had made forged entry regarding the attendance of the children in the Attendance Register, whereas none was present at the Centre and such forged entry was made with intention to misappropriate the 'Take Home Ration' of the beneficiaries. In her defence, the appellant contended that after the inspection made by the Lady Supervisor, the Mukhiya of the concerned Gram Panchayat also inspected the Centre on the same day around 12.00 P.M. and found altogether 21 children present at the Centre, which appears to be improbable and also against the entry made in the Attendance Register. It is also surprising that such plea regarding the inspection made by the Mukhiya was not taken by the appellant before the District Programme Officer while submitting explanation, therefore, it create serious doubt about the factum of inspection, made by the concerned Mukhiya.

The Learned Single Bench has rightly held that this Court will not sit in appeal over and above the finding of the statutory authorities. Therefore, we do not find any valid reason to



interfere with the order of the learned Single Bench.

Accordingly, this Letters Patent Appeal is dismissed.

**(Hemant Gupta, ACJ)**

**(Sudhir Singh, J)**

U.K./-

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