

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.25609 of 2013

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Madhu Devi, wife of Shri Jagannath Pd. Yadav, Resident of Village- Tata Colony,
Madhopur, P.S- Maner, District - Patna.

.... Petitioner

Versus

1. The State Of Bihar
2. The Director, Integrated Child Development Scheme (ICDS) Indira Bhawan,
Ram Charitra Singh Path, Boring Canal Road, Patna.
3. The District Magistrate, Patna
4. The District Programme Officer, (ICDS), Patna.
5. The Child Development Project Officer, Maner

.... Respondents

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Appearance :

For the Petitioner : Mr. Abhay Shankar Jha, Advocate

For the Respondents : Mr. Manikant Mishra, GP 25

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 06-09-2017

The present writ petition has been filed for quashing the order dated 14.07.2012 passed by the District Programme Officer, Patna in Case No. 116/2012 by which selection of the petitioner as Aanganwadi Sevika of Aanganwadi Centre, Tata Colony, Madhopur, Code-91 has been cancelled; for quashing the order dated 05.04.2013 passed by the District Magistrate, Patna in Case No. 119 /2012, by which the appeal of the petitioner against the above said order dated 14.07.2012 of the District Programme Officer, Patna has been affirmed; and for an appropriate direction to the respondents to reinstate the petitioner on the post of Aanganwadi Sevika of Centre Tata Colony Madhopur, Code-91.

2. Learned counsel for the petitioner makes a short



submission to the effect that the impugned orders have been passed on the basis of the inspection of the Centre said to have been conducted on 26.05.2012 at 11.40 A.M. when the petitioner, Aanganwadi Sevika, was found absent from the concerned Centre. The petitioner has claimed that the inspection team had visited the Centre after 1.00 P.M. which has however been disbelieved by the concerned authority merely on the basis of verification made from the concerned Supervisor and the Child Development Project Officer, who are said to have been present during the inspection. However, the authorities have failed to consider the relevant guidelines of the ICDS as contained in Memo No. 956 dated 14.03.2012, Clause III(1) whereof specifically requires that in case of irregularities found in course of inspection, statements of three beneficiaries must be recorded in order to provide transparency in the proceedings.

3. Learned counsel for the respondents appears and has been heard.

4. Having regard to the said guidelines of the ICDS as contained in Memo No. 956 dated 14.03.2012 which have clearly not been taken into account by the authorities and in the interest of justice, the impugned order dated 14.07.2012 passed by the District Programme Officer, Patna in Case No. 116/2012 (Annexure-5) and the order dated 05.04.2013 passed by the District Magistrate, Patna in Case No. 119 /2012 (Annexure-6) are hereby set aside and the matter is



remitted to the District Programme Officer, Patna to consider the same and pass orders afresh in accordance with law. In the meantime, the petitioner shall be reinstated to her post without delay.

5. The writ petition stands allowed as above.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
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