

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6693 of 2014

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Nibha Kumari W/O Anil Kumar Suman Resident Of Village- Malhipur, P.S.-
Hasanpur, District- Samastipur

.... Petitioner/s

Versus

1. The State Of Bihar Through Principal Secretary, Department Of Social Welfare,
Bihar, Patna
2. The Director, ICDS, Bihar, Patna
3. The Divisional Commissioner, Darbhanga
4. The District Magistrate, Samastipur
5. The District Programme Officer, Samastipur
6. The CDPO, Hasanpur, District- Samastipur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sita Ram Yadav, Adv.

For the Respondent/s : Mr. GP22- GYAN PRAKASH OJHA

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 17-08-2017

Heard both sides.

2. The petitioner has challenged the order dated 29.01.2011, as contained in memo no. 193 (annexure-6) and order dated 22.11.2011 (annexure-7) and order dated 18.01.2014 (annexure-8) by which the selection of the petitioner on the post of Angan Bari Sevika has been cancelled by the District Programme Officer, Samastipur and the District Magistrate, Samastipur and the Commissioner, Darbhanga confirmed the order of cancellation of selection of the petitioner on the ground that during the course of inspection on 13.07.2010 at 10.30 a.m., different irregularities were



found in running the centre and the petitioner was also found absent.

3. Learned counsel for the petitioner assailed the orders on the ground that vide annexure-2, the District Programme Officer issued show-cause to the petitioner stating that the petitioner was absent on 13.07.2010. The petitioner filed her show-cause and appeared during the course of hearing and submitted that due to unavoidable circumstances she was not present for sometime when the inspection was made, but the show-cause of the petitioner is illegally not considered and the selection of the petitioner has been terminated/cancelled.

4. Learned counsel for the State on the other hand, submitted that at the time of inspection, the petitioner was not present, Sahayika was present. No child was present at the centre. Food was also not found prepared. The petitioner was served with the inspection report and called upon to show-cause, but the petitioner did not give any satisfactory explanation and therefore, the engagement of the petitioner on the post of Angan Bari Sevika has been cancelled and the orders do not require any interference.

5. Having considered the submissions of the parties and on perusal of the records, it appears that admittedly, the centre was inspected on 13.07.2010 at 10.30 a.m., but the petitioner was not present on the center. Angan Bari Sahayika was present, but no child



was present. There was no activity of pre-schooling teaching and Poshahar was also not prepared. Angan Bari Sahayika was sitting there with a child picking mole from his head. When the petitioner was called upon to show-cause, the petitioner did not give any satisfactory reply about the non-imparting of pre-school teaching and non-preparation of Poshahar and absence of child at the centre. It is not a case of one day absence of the petitioner on the centre rather it appears that petitioner being Angan Bari Sevika of the centre did not run the centre properly and thereby object of the scheme was being frustrated. Therefore, I find no good reason to interfere in the orders terminating and cancelling the selection of the petitioner from the post of Angan Bari Sevika. Thus, the writ petition is dismissed.

(Prabhat Kumar Jha, J.)

Vinita/-

AFR/NAFR	NAFR
CAV DATE	NA
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