

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10234 of 2014

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Neera Kumari Wife of Sri Arun Kumar Prasad, resident of village- Harna
Bela, P.S- Govindpur, District- Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare
Department, Government of Bihar, Patna.
2. The Director, ICDS, Social Welfare Department, Government of Bihar,
Patna.
3. The Commissioner, Magadh Division, Gaya.
4. The Deputy Director, Welfare, Magadh Division, Gaya.
5. The District Magistrate, Gaya.
6. The District Programme Officer, Nawada.
7. The C.D.P.O., Govindpur, Nawada.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh
For the Respondent/s : Mr. Vinay Kr. Mishra, AC to AAG -15
Mr. Arun Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

4 31-07-2017

Heard both sides.

The petitioner filed this writ petition for the
following reliefs.

(i) For issuance of a writ in the nature of
'certiorari' for quashing the order dated 21.04.2014
passed by the Deputy Director, Welfare, Magadh
Division, Gaya in Anganbari Sevika Appeal No. 02
"ka"/2014.

(ii) For issuance of a writ in the nature of



“Certiorari’ for quashing the order dated 13.12.2013 passed by the District Programme Officer, Nawada in Case No. 209 (Misc.)/2013, and

(iii) For a direction to the concerned authority to reinstate the petitioner on the said post with all consequential benefits.

Mr. Krishna Kant Singh, learned counsel for the petitioner assailed the order of cancellation of selection of the petitioner from the post of Anganbari Sevika of Harmabela Anganbari Centre No. 67 on the ground that the order of cancellation of selection of the petitioner has been made at the instance of the Minister, Social Welfare Department, Government of Bihar, who inspected the aforesaid Centre on 05.12.2013. He further submits that the petitioner gave her explanation, but without holding any enquiry with regard to truthfulness of the show cause of the petitioner, the District Programme Officer cancelled the selection of the petitioner from the post of Anganbari Sevika. It is further submitted that the beneficiary gave application to the Deputy Director, Social Welfare, Magadh Division, Gaya, stating the facts that the aforesaid Centre was run properly and Sevika and Sahayika were properly distributing the foods amongst the beneficiary, but the Deputy Director did not



consider of this fact and dismissed the appeal of the petitioner on 21.04.2014.

On the contrary, the learned counsel for the State as well as Respondent no. 8 who was impleaded as party to this writ petition, vide order dated 25.07.2017, submitted that the order does not require any interference. The petitioner is not a Government servant and it is a simple contract to run a Government Scheme to prevent mal nutrition of the poor children. It is further submitted that from perusal of the show cause itself it would appear that the attendance of 28 children was shown as present, but only 7 children were found present on the Centre at the time of inspection and 21 children are said to have gone outside the Centre to play, but even after request made by the Minister, the said 21 children did not come back to Centre. It was found that food was also not prepared at the Centre and it was disclosed that the land owner did not allow to prepare the food at the Centre therefore, the food was being prepared at another place, but no prepared food was shown. Nor any application was ever filed by the concerned Sevika of the Centre that the land owner of the Centre did not allow to prepare food at the Centre and after examining of the facts, the order of cancellation of the selection of the petitioner from the post of Anganbari Sevika, has



been passed.

Having heard the submissions of both sides, the only question arises for consideration whether the petitioner, Sevika of Harmabela Anganbari Centre Code No. 67, has been terminated without any valid reason? It transpired from show cause itself that at the time of inspection made by the Minister, only 7 children were found present. There was no food at the Centre. The petitioner Meera Kumari disclosed that remaining children went outside the Centre to play in the sun, but even after repeated request, Sevika and Sahayika did not bring those children within the premises of the Anganbari Centre. The petitioner simply disclosed that *Posahar* was being prepared at different place and many irregularities were also found. Even in the show cause, the petitioner disclosed the same facts. Admittedly, the petitioner is not holding any public post and she is not a government servant and she has got no protection under Article 309 of the Constitution of India. The selection of the petitioner itself shows that she is selected to run the Anganbari Centre properly to prevent mal-nutrition amongst the children of the locality. Once, the services of the petitioner is found unsatisfactory, she can be removed on being asked show cause and the procedure has been adopted. The show cause of the petitioner is found utterly unsatisfactorily therefore, I find that cancellation of selection of the petitioner from the post of Anganbari Sevika does not suffer



from any illegality and the same does not require any interference.

In the result, this writ petition is dismissed.

(Prabhat Kumar Jha, J)

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