

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

**Letters Patent Appeal No.1595 of 2014**

**IN**

**Civil Writ Jurisdiction Case No. 15781 of 2011**

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1. Smt. Rita Devi W/o Sri Nand Kumar Mahto, Resident of Village-  
Raniganj , Ward No. 9,P.S. Raniganj, P.O.- Meriganj, District  
Araria.

2. Smt. Kalawati Devi, W/o Late Debu Mahto, Resident of Village-  
Raniganj , Ward No. 9,P.S. Raniganj, P.O.- Meriganj, District  
Araria.

.... .... Appellants

Versus

1. The State of Bihar.

2. The Secretary, Department of Social Welfare, Government of Bihar.

3. The Director, Integrated Child Development Services, Department  
of Social Welfare, Government of Bihar.

4. The Collector, Araria.

5. The District Welfare Officer, Araria.

6. The Block Development Officer , Raniganj, Araria.

7. The Child Development Project Officer, Raniganj, Araria.

8. the Mukhiya Baibana Gram Panchayat, Raniganj, Araria.

9. Panchayat Secretary, Bairbanna Gram Panchayat, Raniganj, Araria.

10.Sabita Kumari, W/o Arvind Kumar Yadav, R/o Bengali Tola, P.S. –  
Raniganj, District – Araria.

11.Renu Devi, W/o Nepal Sharma, R/o Bengali Tola, P.S. – Raniganj,  
District – Araria.

.... .... Respondents

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**Appearance :**

For the Appellant/s : Mr. Amish Kumar, Advocate

For the Respondent/s : Mr. Mritunjay Kumar, AC to AAG-6

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI**

**And**

**HONOURABLE JUSTICE SMT. NILU AGRAWAL**

**ORAL JUDGMENT**

**(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)**

**Date: 10-05-2017**



Heard learned counsel for the appellants and learned counsel for the State.

The appellants does not have satisfactory explanation or evidence and material which can disprove the allegation brought against them, that the Centre, in which they were working as Aaganwari Sevika and Sahayika, was non-functional. The explanation or defence put up for the non-functional Centres was that the requisite funds were not available, and therefore, they could not lift the ration.

This fact was rebutted and established by the respondents to be incorrect. There was money lying in the account of the Centre. It was a case of sheer apathy rather than helplessness which was sought to be made out by the counsel for the appellants.

The Court is also further not impressed that no opportunity of hearing was given. Proceedings were conducted before the District Programme Officer, the Collector and the Commissioner, these are forums one above the other and adequate opportunity was given to the appellants to explain their conduct. If, learned counsel for the appellants have failed to satisfy this Court even at this juncture in the present appeal, then, why should the Court interfere with the orders when facts and



findings are that the Centre was not functioning on the date of inspection.

The impugned order dated 06.03.2012, passed by learned Single Judge, therefore, will not be interfered with. This appeal is, accordingly, dismissed.

**(Ajay Kumar Tripathi, J.)**

**(Nilu Agrawal, J.)**

Rajeev/-

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