

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10515 of 2010

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1. Smt. Leela Devi W/O Sri Lalan Jha Anganbari Sevika Centre No. 190 Singiyon Block, Rajnagar, R/O Vill.- Singiyon, P.O. Rampatti, P.S. Rajnagar, Distt.- Madhubani

.... Petitioner/s

Versus

1. The State Of Bihar Through Collector, Madhubani
2. The Collector, Madhubani, Distt.- Madhubani
3. The District Programme Officer, Distt.- Madhubani
4. The C.D.P.O., Raj Nagar, Distt.- Madhubani
5. The Mukhiya, Panchayat Singion, Block- Raj Nagar, Distt.- Madhubani
6. The Panchayat Sevak, Panchayat- Singiyon, Block- Raj Nagar, Distt.- Madhubani

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Shankar Das,
Mr. Abhay Kumar
Mr. Lalit Narayan Jha

For the State : Mr. Anil Kumar Sinha, GA 1

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 19-12-2017

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

In the present case, petitioner is challenging the order dated 23.11.2009/14.12.2009 passed by the District Programme Officer, Madhubani by which she has been removed from Anganwari Sevika which has been affirmed by the order dated 12.6.2010 passed by the District Magistrate, Madhubani.

The petitioner was appointed as Anganbari Sevika of Centre No.190, Singiyon Block Rajnagar, Madhubani. When



Flying Squared Team had made an inspection, it was found that on 16.1.2009 she had not prepared the food for the children. At the same time there is also an allegation that she used to get centre closed and not distributing the THR to the beneficiaries. A plea has been taken that notice was issued to the petitioner where she has taken a plea that she had fallen ill and it was Makar Sankranti, few children had assembled and preparation of food was delayed. It has been stated that certain children had gone for drinking water and some children had gone to attend toilet, made submission that she should be relieved. The CDPO formed the view that she was not running the centre properly, passed the order dated 23.11.2009 whereby she was removed from Anganbari Sevika and the same has been affirmed by the District Magistrate.

Learned counsel for the petitioner submits that allegations are completely wrong. He has no jurisdiction to pass order, has placed reliance on the judgment of Division Bench of this Court in the case of Prabha Kumari Devi v. The State of Bihar & others, reported in 2010(2) PLJR 374 where the Division Bench has dealt the guidelines in paragraph 9. It will be relevant to quote paragraph 9 of the aforesaid judgment:

“9. Clauses 11 and 12 of the Guidelines which have come



into force in the year 2008 prescribe for duties and responsibilities of the District Programme Officer. Clauses 11 and 12, on which immense emphasis has been placed by Mr. Arvind Kumar, learned counsel for the State, on being translated into English, are reproduced below:-

“11. If any type of irregularity is detected at Anganbari Centres, the same shall be enquired/after obtaining explanation from concerned Sevikas/Sahayikas, action shall be taken in respect of cancellation of selection as per requirement.

12. Appeal against the order of District Programme Officer in respect of cancellation of selection may be filed before the concerned District Officer.”

It has been held that as per guideline the District Programme Officer has jurisdiction to take action against the Anganbari Sevika, also is not running the centre properly and he will have jurisdiction to take action against the Anganbari Sevika. So far appointment is concerned, the District Programme Officer has not been conferred any power to intervene at any stage of selection. His role comes into play qua irregularities at the Kendra. Thus exercise of jurisdiction is distinctly compartmentalized and there can be no shadow of doubt, what has been stated in 2006 Guidelines have nothing to do with



Circulars/Guidelines issued for determination of duties and responsibilities of the District Programme Officer.

Learned counsel for the petitioner has placed reliance on the application which has been filed by the villagers supporting the case of the petitioner and submitted that allegations are completely illegal. There is no material to verify the signature in the application as whether signatures are false or genuine as it has been argued by the State that Anganbari Sevika are not holding civil post, writ is not maintainable. This issue is not required to be gone into in the present case.

In such view of the matter, this Court does not find any merit in this writ petition. Accordingly the same is dismissed.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	4.1.2018
Transmission Date	NA

