

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5000 of 2014

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1. Lalita Devi Wife Of Ramchandra Raman Resident Of Village - Dhainakka, P.S. Lakhanaur, Dist. Madhubani

.... Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Madhubani
3. The District Programme Officer, Madhubani
4. The Child Development Project Officer, Block - Lakhanaur, Dist. Madhubani
5. Bina Devi Wife Of Sri Ram Kripal Singh Resident Of Village - Pure Dhainakka, P.S. Lakhanaur, Dist. Madhubani
6. Commissioner, Darbhanga Pramandal, Darbhanga

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Narain Mahto

For the Respondent/s : Mr. Zakir Haider, AC to SC 9

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 24-07-2017

Heard both sides.

2. The petitioner seeks quashing of the order dated 29.12.2010 passed by the District Programme Officer, Madhubani as contained in Annexure-8 by which the selection of the petitioner as Aanganbari Sevika of Aanganbari Centre No. 120 situated in Pure, Dhainakka under Panchayat Belauncha, Lakhanaur Block has been cancelled. The petitioner further seeks quashing of the order as contained in Aanganbari Appeal No. 43/2010-11/5/2011-12 passed by the Collector, Madhubani on 04.07.2011/29.11.2011 (Annexure-9) and the order of the Commissioner, Darbhanga Division, Darbhanga in Case No. 16/2012-13 dated 18.01.2014 (Annexure-10) whereby the petition of the



petitioner has been dismissed confirming the order of cancellation of selection of the District Programme Officer and the order of the Collector.

3. The facts which are relevant for the disposal of this case in brief are that the petitioner was appointed as Aanganbari Sahayika in Aanganbari Centre No. 120. On inspection, it was found that the petitioner and Aanganbari Sevika were quarreling with each other and on account of that no proper nutritious food was distributed among the children. Further it was found that the centre was closed. Sevika and Sahayika were found absent and Poshahar was not prepared. THR was not distributed and less quantity of Poshahar was prepared. The petitioner being Aanganbari Sevika filed her show cause denying deficiency in service found on inspection by the CDPO. The District Programme Officer after hearing the parties cancelled the selection of the petitioner.

4. The petitioner preferred appeal before the Collector, Madhubani and the Collector, Madhubani also found the allegation against the petitioner true and accordingly dismissed the appeal confirming the order of disengagement of the petitioner from the service of Aanganbari Sahayika. The Commissioner vide order dated 18.01.2014 as contained in Annexure-10, also dismissed the petition of the petitioner.

5. Learned counsel for the petitioner submits that the



petitioner was working as Aanganbari Sahayika since the year 2004. Aanganbari Sevika was illegally selected in the year 2008 but, thereafter, Aanganbari Sevika did not allow the petitioner to function properly. The petitioner gave her show cause in detail but, the same was not considered either by the District Programme Officer or the Collector or the Commissioner, therefore, the orders are fit to be set aside.

6. On the other hand, learned counsel for the State in counter affidavit stated that full fledged enquiry was held and, it was found that Sahayika and Sevika both were quarreling with each other and the centre was not running properly. Show cause was asked from both Sahayika and Sevika and their explanations were found unsatisfactory. The object of the scheme was being frustrated as the petitioner, Sahayika and Sevika were not providing service to the children nor they were distributing nutritious food among the children.

7. On consideration of submission of both sides the sole point falls for consideration is whether the order of the District Programme Officer as well as the Collector and the Commissioner cancelling the appointment of the petitioner from the post of Anganbari Sahayika suffers from illegality on account of non-consideration of any material facts? It is evident that the CDPO, Lakhnaur inspected the centre of the petitioner on 30.11.2010 and found following irregularities I. Centre was closed, II. Child was not present, III. Sevika and Sahayika, the petitioner was not present, IV Mid day meal was not prepared, V



THR was also not distributed and VI Less amount of Poshahar was prepared and reported the matter to the authority for needful.

8. On such report the petitioner and the Sevika were called upon to show cause. The petitioner filed her show cause and almost admitted the deficiencies and irregularities found in opening the centre and distribution of nutritious food among the children and others to prevent them from malnutrition. The petitioner in her show cause simply stated that Sevika did not allow her to make her presence marked in the Register and due to non-cooperation of the Sevika the centre was not working properly. The show cause, itself, depicts sorry states of functioning of the centre.

9. Having considered the facts aforesaid, I find that the authority has rightly cancelled the selection of the petitioner from the post of Anganbari Sahayika. I do not find any reason to interfere in the orders. Accordingly, this writ petition is dismissed.

(Prabhat Kumar Jha, J)

KKSINHA/-

AFR/NAFR	NAFR
CAV DATE	NA
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