

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.25301 of 2013

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Sangeeta Devi Wife Of Shri Pintu Kumar Resident of Munji Tola, P.S.- Maner,
District Patna

.... Petitioner

Versus

1. The State of Bihar
2. The Director, Intergrated Child Development Scheme, (ICDS), Indira Bhawan, Ram Charitra Singh Path, Boring Canal Road, Patna
3. The District Magistrate, Patna
4. The District Programme Officer (ICDS), Patna
5. The Child Development Project Officer, Maner

.... Respondents

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Appearance :

For the Petitioner : Mr. Abhay Shankar Jha, Advocate
For the Respondents : None

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 06-09-2017

The present petition has been filed for quashing the order dated 13.06.2012 passed by the District Programme Officer, Patna in Case No. 128 of 2012 by which selection of the petitioner as Anganwari Sevika of Anganwari Centre, Munji Tola, Code 152 has been cancelled; for quashing the order dated 26.04.2013 passed by the District Magistrate, Patna in Case No. 142 of 2012, by which the appeal of the petitioner against the order dated 13.06.2012 of the District Programme Officer, Patna has been affirmed; and for appropriate direction to the respondents to reinstate the petitioner on the post of Anganwari Sevika of Centre Munji Tola, Code 152.

2. Learned counsel for the petitioner submits that the



impugned orders have been passed on the basis of the inspection of the centre said to have been conducted on 26.05.2012 at 11.30 a.m., whereas the inspection had actually taken place at 12.30 p.m. after working hours of the Centre at Munji Tola. The finding that the centre has not been working since 14.05.2012 on the face of itself is incorrect as evident from the attendance register which has been signed by the C.D.P.O. Moreover, the guidelines of the ICDS as contained in memo no. 956 dated 14.03.2012 and more particularly as given in Section III(1) thereof has not been followed which require that if any irregularity is found, the statement of at least three beneficiaries must be recorded.

3. None appears on behalf of the respondents despite repeated calls.

4. Having heard learned counsel for the petitioner and on a consideration of the materials on record, this Court finds merit in the petition. A perusal of the show cause notice dated 06.06.2012 (Annexure-1) discloses that the petitioner was called upon to explain the irregularity at sl. 1 namely, that the centre was found closed at the time of inspection, the petitioner duly filed her show cause reply pointing out the error of the time of inspection as recorded as 11.30 a.m. instead of the correct time 12.30 p.m. Be that as it may, the order of the District Programme Officer has traveled far beyond the show cause notice in finding that the centre has not been working since 14.05.2012 as the petitioner was never confronted in this regard. Such



finding has clearly influenced the decision of the District Programme Officer to cancel the petitioner’s selection. The appellate authority has equally taken note that the centre had not been working since 14.05.2012. Materials have therefore been considered by the authorities without confronting the petitioner, which vitiates the order passed. Moreover, the ICDS guidelines referred to above have also clearly not been followed which has caused prejudice to the petitioner.

5. In the above circumstances, the impugned orders dated 13.06.2012 (Annexure-4) of the District Programme Officer, Patna and 26.04.2013 (Annexure-5) of the District Magistrate, Patna are accordingly set aside and the matter is remitted to the District Programme Officer, Patna to consider the matter and pass orders afresh in accordance with law. The petitioner shall be reinstated on the post in question without delay.

6. The writ petition stands allowed.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
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