

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6930 of 2014

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1. Sarojini Devi Wife Of Sadhu Paswan Resident Of Village Pastbar, P.S. - Mahishi, Block - Mahishi, District - Saharsa.

.... Petitioner/s

Versus

1. The State Of Bihar .
2. The Commissioner, Saharsa Commissioner, Saharsa.
3. The District Magistrate, Saharsa.
4. The District Program Officer, Saharsa.
5. The Sub Divisional Officer, Sadar, Saharsa.
6. The Child Development Project Officer, Block - Mahishi, District - Saharsa.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dinesh Maharaj

For the Respondent/s : Mr. Kamlesh Mishra, AC to SC 12

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 01-08-2017

Heard both sides.

The petitioner seeks quashing of the order dated 07.04.2011, as contained in memo No. 359-1, issued under the signature of District Programme Officer, Saharsa (Annexure-4) by which selection of the petitioner as Anganwari Sevika has been cancelled. The petitioner also seeks quashing of the order dated 06.12.2012 passed by Collector, Saharsa (Annexure-6) in Anganwari Appeal No. 21/12 and the order dated 10.01.2014 passed in Revision (Anganwari) Appeal No. 50/2013 by the Commissioner, Koshi Range, Saharsa (Annexure-7) whereby the appeal and revision preferred by the petitioner have also been dismissed.

The petitioner was working as Anganwari Sevika at Centre No. 73, Pastawar-1. The Commissioner and S.D.O. inspected the centre of the petitioner on 29.03.2011 and found the petitioner, Anganwari Sevika, and Aruna Devi, Sahaika, absent from the centre. No child was present. During the course of



investigation many irregularities in distribution of foods and attendance of children were found. The District Programme Officer, upon receipt of the report, called upon the petitioner to show cause by 07.04.2011 and by 07.04.2011 itself, after hearing counsel for the petitioner, found that petitioner failed to provide satisfactory service to the children of the locality and the petitioner also made interpolation in attendance and distribution register of the centre. Accordingly, selection of the petitioner was cancelled. The petitioner moved this court by filing CWJC No. 11947 of 2012 and this court vide order dated 07.08.2012 disposed of the writ petition directing the petitioner to present appeal before the Collector, Saharsa. The petitioner presented Aanganwari Appeal No. 21 of 2012 and the Collector dismissed the appeal vide Annexure-6. The petitioner also preferred Revision Case No. 50 of 2013 before the Commissioner and the Commissioner also dismissed the revision vide Annexure-7.

The learned counsel for the petitioner submits that on 29.03.2011 the petitioner was engaged in Polio vaccination and Aruna Devi, the Sahaika, was present at the centre and she prepared the food. She left the centre after distributing food as 11.30 A.M. The inspection was made at 11.56 A.M. It is further submitted that on account of single day absence of the petitioner selection of the petitioner has been illegally cancelled. The petitioner did not commit any illegality in distributing the food among the children.

On the other hand the learned counsel for the State submits that the Commissioner and S.D.O. inspected different centers on 29.03.2011, including centre No.73, situated in village Pastawar, and found that the centre was closed. Foods were not distributed as per prescribed norms. THR was lifted by Gajendra Paswan, father of Dulari Devi, but it transpired that Gajendra Paswan had gone to Punjab for earning his livelihood as such many irregularities were



found with regard to distribution of THR and in running the centre for providing food to the beneficiaries.

Having considered the discussions made above, I am of the considered view that the Commissioner himself inspected the centre No. 73 on which the petitioner was working as Anganwari Sevika and Aruna Devi was working as Sahaika. The centre was found closed and many other irregularities were found showing that the centre was not being run properly. The petitioner in her show cause has stated that she was engaged in polio vaccination but the petitioner did not inform the authority about the closure of the centre nor the Sahaika was present at the centre. Besides the absence of the petitioner, many other irregularities were found in distribution of food and THR. The petitioner was not discharging her function as Anganwari Sevika and, therefore, the order of her termination from the post of Anganwari Sevika does not require any interference.

This writ petition is, accordingly, dismissed as devoid of any merit.

(Prabhat Kumar Jha, J)

BKS/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	16.08.2017
Transmission Date	N.A.

