

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12377 of 2013

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Anju Devi, W/O Sri Arun Kumar, Resident of Village + P.O. Beur, Police Station - Chainpur, District - Kaimur

.... Petitioner

Versus

1. The State of Bihar through Secretary Welfare Department, Govt. Of Bihar, Patna
2. Director Integrated Child Development Scheme, Bihar, Patna
3. District Magistrate, Kaimur At Bhabhua
4. The District Programme Officer, Kaimur at Bhabhua
5. Child Development Project Officer, Chainpur, District Bhabhua

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Jitendra Prasad Singh, Advocate

For the State : Mr. Manoj Kumar Sinha, A.C. to G.A.-9

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 14-12-2017

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

2. In this case, the petitioner is challenging the order dated 10.04.2013 passed by the District Magistrate, Kaimur at Bhabhua, whereby and where-under he has affirmed the order dated 30.06.2012 passed by the District Programme Officer, who found that the petitioner was not running the centre properly, led to his removal from discharging the work of Anganbari Sevika.

3. The petitioner was appointed as Anganbari Sevika at Centre Biur 03, Code no.129 Chainpur, District- Kaimur. During inspection, it was found that she was not running the centre properly,



where-after, the District Programme Officer served the show cause dated 05.06.2012, wherein it has specifically been mentioned that she was not running the centre properly nor distributing the T.H.R. properly and also not distributing the supplementary food-ration as per rule, and was asked to give reply, which the petitioner replied. In reply, the petitioner has taken plea that on the day of inspection suddenly she had fallen ill; she was admitted in the hospital. In support of the statement, she attached the prescription of the doctor, but on perusal of the same, it appears that the prescription was given by a child specialist doctor. After considering the show-cause of the petitioner, the District Programme Officer passed the order and held that explanation submitted by the petitioner is not acceptable. The District Magistrate, on appeal passed the order, affirming the order of the District Programme Officer.

4. Learned counsel for the petitioner has raised the point that as per the scheme he was to be given a personal hearing and only then the order could have been passed. Further submits that the charges are vague, she remained absent for a single day on account of her illness, which cannot be a ground for removal from the post of Anganbari Sevika.

5. The State has filed the counter affidavit, apart from giving reply to the facts mentioned in the writ petitioner the State



has also brought to the notice of this Court to the complaint received against the petitioner, which discloses that she used to give lesser quantity of the rice, only used to open the centre for few days and most serious allegation has been made that she had confined a child in the centre and villagers have cross the boundary wall and rescued the child.

6. This is very serious allegation made against the petitioner. Moreover, it is also a fact that the petitioner is not holding a civil post. Serious allegation has been made with respect to her working. Allegation has been made that she is not running the centre properly. The petitioner was given the show-cause that has been considered by the competent authority and thereafter passed the order.

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

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
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