

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.374 of 2016
IN
Civil Writ Jurisdiction Case No. 14593 of 2015**

=====

Ganga Devi, Wife of Raj Kumar Nayak, Resident of Village- Chhatteergachh, P.S.-
Paharkatta, District- Kishanganj.

.... Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. Principal Secretary, Social Welfare Department Government of Bihar, Patna.
3. The Director, Integrated Child Development Scheme, Indira Bhawan East
Boring Canal Road, Patna.
4. The Joint Commissioner cum Secretary, Regional Transport Authority Purnea
Division, Purnea.
5. The District Magistrate, Kishanganj.
6. The District Programme Officer, Kishanganj.
7. The District Welfare Officer, Kishanganj.

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Binodanand Mishra, Advocate
Mr. Alok Kumar, Advocate

For the Respondent/s : Mr. Amarendra Kumar, AC to AAG-15

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 07-04-2017

Re.: Interlocutory Application No.1579 of 2016

The delay in filing of this Appeal is condoned.

Re. : Letters Patent Appeal No.374 of 2016

Seeking exception to an order dated 17th September, 2015
passed by the Writ Court in Civil Writ Jurisdiction Case No.14593 of
2015 dismissed the writ petition filed by the petitioner who was working
as *Anganwari Sevika/Sahaika*, this appeal has been filed under Clause X
of the Letters Patent.



The only ground vehemently canvassed at the time of hearing was that as per the Circular of the State Government before removing the *Anganwari Sevika/Sahaika*, approval of the *Anganwari Vikas Samiti* has to be obtained and in this case as the procedure for removal contemplated in the matter, i.e. approval of *Anganwari Vikash Samiti*, has not been taken, the removal is illegal.

The competent authority, the appellate authority and the writ court have adverted to this aspect of the matter and found that on inspection being conducted, of the Centre in question, various irregularities were found, thereafter, the petitioner was issued with a show cause notice and after hearing her, the impugned action was taken. The learned writ court after adverting to the various irregularities committed by the petitioner has found that merely because the *Anganwari Vikash Samiti's* approval was not obtained, violation of an executive Circular cannot be a ground for interfering into the matter when overwhelming evidence are available to show that on inspection being made in the *Anganwari* Centre in question, it was found that the petitioner had committed various irregularities and in a detailed manner after dealing with the issue of the misconduct committed by the petitioner, the learned Writ Court has dismissed the writ petition and has also found that the appellate authority has gone into all these aspects of the matter and approved the order of removal.



We are of the considered view that keeping in view the reasoned order passed by the learned Writ Court advertent to consider in detail various aspects of the matter, particularly the fact that appointment of an *Anganwari Sevika/Sahaika* is only for the purpose based on executive instructions and further finding that the petitioner to have responsible for various irregularities committed if the learned Writ Court has refused to interfere into the matter, we see no reason to make any indulgence merely because in the matter of removal, executive order, i.e. approval of *Anganwari Vikash Samiti*, has not been complied with.

In the peculiar facts and circumstances, we see no reason to make any indulgence on such consideration. The appeal is, therefore, dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

Sunil/-

AFR/NAFR	N. A. F. R
CAV DATE	N. A.
Uploading Date	11.04.2017
Transmission Date	

