

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.436 of 2016

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1. Shila Devi Wife of Shashi Bhushan Singh Resident of village - Sugibal, P.O. Rajeya, P.S. Agion Bazar, District - Bhojpur (Bihar)

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Social Welfare Department, Government of Bihar, Patna
2. The Collector, Bhojpur Ara, District - Bhojpur (Bihar)
3. The Deputy Director, Social Welfare, Patna Division, Patna
4. The District Programme officer, Bhojpur at Ara, District - Bhojpur (Bihar)
5. The Sub Divisional Programme officer, Piro, District - Bhojpur (Bihar)
6. The Child Development Programme Officer, Piro, District - Bhojpur (Bihar)
7. The Mukhiya, Gram Panchayat Raj, Rejeya, Block - Piro, District – Bhojpur (Bihar)

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Adv.

For the Respondent/s : Mr. Uday Shankar Sharan Singh, GP1

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 18-09-2017

Heard Mr. Manoj Kumar learned counsel for the petitioner and learned counsel for the State.

The petitioner is aggrieved by the order bearing Memo No.42/MU dated 5.3.2014 of the Deputy Director, Social Welfare, Patna Division, Patna whereby while rejecting the appeal of the petitioner bearing Appeal No. 17 of 2012-13 he has confirmed the order bearing Memo No.365 dated 31.3.2012 of the District Programme Officer, Bhojpur removing the petitioner from the post of Anganbari Sevika, Angabari Kendra No.69 Jagdishpur Pathak Panchaya Rajeya in the district of Bhojpur, Ara.



Undisputed facts leading to the impugned order in the present case is that though the petitioner was appointed as Anganbari Sevika for Angabari Kendra situated in Jagdishpur Pathak in the district of Bhojpur but for the reasons mentioned in her representation dated 13.10.2011 at Annexure-3 which is addressed to the Child Development Project Officer she shifted the Centre to a place called Sugiwal on grounds that there is no suitable building at village Jagdishpur Pathak. Her stand has been endorsed by the Mukhiya of the Panchayat. Notwithstanding such situation the Child Development Project Officer vide his second letter dated 237 dated 13.10.2011 again directed her to shift the centre at Jagdishpur Pathak otherwise disciplinary proceedings would be initiated against her for disobedience. The petitioner filed her reply to the show cause of the Child Development Project Officer, a copy of which is present at Annexure-5 and she again tried to justify the running of the centre at village Sugiwal. Obviously, this led to institution of formal proceedings and which has resulted in the order bearing Memo No.365 dated 31.3.2012 of the District Programme Officer whereby he has taken note of the fact that although the Centre was established at Jagdishpur Pathak but the petitioner continued to operate at village Sugiwal without any authorization even though there was already a centre being operated in the said village and resultantly, the centre at



Jagdishpur Pathak remained closed. The District Programme Officer in such circumstances has passed order of removal and which has been confirmed by the Deputy Director vide his order bearing No. 42 /MU dated 5.3.2014 at Annexure-11.

Having heard learned counsel for the parties and considering the circumstances which have led to the proceedings in question, I find the reasons assigned in the orders put to challenge are on sound footing and the explanation of the petitioner in her reply cannot justify her disobedience to continue the centre in a different village without seeking permission and despite the order of the superior to shift back the centre at village Jagdishpur Pathak, for which she was appointed.

The writ petition is dismissed accordingly.

(Jyoti Saran, J)

Bibhash/-

AFR/NAFR	NAFR
CAV DATE	NA
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