

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7307 of 2014

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Smt. Sarwari Bano, Daughter of Md. Anwar Warsi, Resident of Panchaitiya Akhara, Police Station- Kotwali, District- Gaya Petitioner

Versus

1. The State of Bihar
2. The Director, Social Welfare Department, Government of Bihar, Patna
3. The Deputy Director, Social Welfare Department, Magadh Division, Gaya
4. The District Magistrate, Gaya
5. The District Program Officer, Gaya
6. The Child Development Project Officer, Gaya Rural, District- Gaya.
7. Nishi Praween Wife of Asfrat Alam, resident of village Panchayati Akhara, Police Station Kotwali, Gaya

..... Respondents

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Appearance :

For the Petitioner : Mr. Manish Kumar No-2, Advocate
For the State : Mr. Anuj Kumar, AC to GP 24
For the respondent no.7 : Mr. Gautam Kumar Yadav, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 02-01-2018

Consequent to the order dated 10.2.2014, passed in C.W.J.C.No. 20685 of 2012 filed by the petitioner, the matter has been considered in appeal by the appellate authority, i.e. the Deputy Director, Social Welfare Department, Magadh Division, Gaya, respondent no. 3 vide order dated 25.2.2014, contained in Annexure 8.

Counsel for the petitioner submits that the findings in the appellate order are at variance with the conclusion reached by the District Programme Officer, Gaya vide order dated 29.2.2012, contained in Annexure 5.

The appellate order is well considered and reasoned order wherein all the issues of the petitioner appears to have been looked into. On going through Annexure 5 and Annexure 8, this Court does not find any variance in the findings arrived at by the appellate



authority in fact on the basis of the social audit, referred to in Annexure 5 and insufficient distribution of food to the beneficiaries concluded in Annexure 5. The appellate authority has also concluded that the same would constitute defalcation. The said submission of counsel for the petitioner is therefore devoid of any merit and the writ petition is fit to be dismissed, as there is no procedural lapse, otherwise high lighted in the writ petition.

The writ petition is thus dismissed.

(Madhuresh Prasad, J)

Shashi.

NAFR	
CAV DATE	NA
Uploading Date	4.1.2018
Transmission Date	NA

