

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14912 of 2008

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Kumari Priyanka, wife of Sri Suresh Kumar Yadav, resident of village-Hakam,
P.S.-Siwan Mufassil, District- Siwan.

.... Petitioner

Versus

1. The State of Bihar.
2. The Director, Social Welfare Department, ICDS Directorate, Bihar, Patna.
3. The District Magistrate, Siwan.
4. The Block Development Officer, Pachrukhi.
5. The District Welfare Officer, Siwan.
6. The Child Development Project Officer, Pachrukhi, District- Siwan.
7. The Mukhiya, Gram Panchayat Raj Bindusar Hakam, Block Pachrukhi,
District- Siwan.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Udit Narayan Singh, Advocate
Mr. Gajendra Kumar Singh, Advocate
For the Respondent/s : Mr. Dhurjati Kumar Prasad, G.P.-14

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 08-01-2018

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

2. In this case, the State has not filed any counter affidavit
even after 10 years of filing of the writ petition and as such, this case
is being disposed of in absence of counter affidavit.

3. Learned counsel for the petitioner has raised grievance
that she was appointed as Anganbari Sevika for Hakam Ahir Bahul
Kshetra centre by adopting proper procedure. She had also attended
the training conducted by the department and after completion of
training she started discharging her duties as Anganbari Sevika but



in the year 2005 she along with 151 Anganbari Sevika were terminated. Several representations were filed by them. The Collector took cognizance, enquired into the matter found, disengagement was illegal, accordingly apprised this fact to the Director, Social Welfare Department, vide letter dated 24.02.2006 (Annexure-5) mentioned therein that Smt. Seema Rahman, the then C.D.P.O. had taken money and appointed new persons as Anganbari Sevika at 152 centre. It appears that the appointments made by Smt. Seema Rahman were cancelled, reflected from letter dated 24.07.2006 (Annexure-7) but the instruction was sought from the Director by the Collector for further action.

4. The letter dated 28.08.2006 (Annexure-8) issued by the Director, whereby and where-under the Collector was permitted to hold the inquiry with regard to appointment of Angabari Sevika individually and if it is found that the selection was properly made there should not be hurdle for their reinstatement, but till date no reinstatement has been done. The petitioner has placed reliance on the order dated 26.09.2006 passed in C.W.J.C. No.2262 of 2005, wherein identical issue was raised, this Court directed the petitioner to file representation before the District Magistrate, Siwan, who in turn will, dispose of the same as early as possible.

5. Learned counsel for the petitioner submits that the



petitioner was validly appointed, she had completed the training, firstly she was orally deprived to discharge her duty and later on, she along with 151 Anganbari Sevika were terminated from service.

6. Taking benefit of the aforesaid order, this Court directs the petitioners to file a detailed representation before the District Magistrate, Siwan. If such a representation is filed, the Collector would examine the case of the petitioner and if he arrived to a finding that she was validly appointed, she should be reinstated. The entire process must be completed within a period of three months from the date of filing of representation by the petitioner. For the period the petitioner had discharged the duty as Anganbari Sevika, the remuneration/honorarium whatever the name may be, should be paid to the petitioner.

7. With the aforesaid observations and directions, this writ application is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	12.01.2018
Transmission Date	N/A.

