

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17378 of 2011

=====

Meera Devi, wife of Suresh Safi, Resident of Village - Kauaha, P.O. - Jaso, P.S. - Basopatti, District - Madhubani.

.... Petitioner/s

Versus

1. The State Of Bihar, through the Secretary Social Welfare Department, Bihar Patna.
2. Deputy Secretary, Social Welfare Department, Bihar, Patna.
3. District Magistrate, Madhubani.
4. District Program Officer Madhubani.
5. Child Development Project Officer, Basopatti, Madhubani.

.... Respondent/s

=====

Appearance:

For the Petitioner/s	:	Mr. Banwari Sharma, Mr. Shiv Kumar and Mr. Sahjanand Sharma, Advocates.
For the Respondent/s	:	Mr. Sanjay Prasad, AC to AAG 4.

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

Date: 03-07-2018

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

Petitioner in the present case is seeking a writ of *certiorari* for quashing of the order dated 30.02.2011 passed by the Collector, Madhubani in Appeal Case no. 39/2010-11, as contained in Annexure-5 to the Writ Application, by which he has refused to interfere with the order of termination dated 26.11.2010, as contained in Annexure-3, whereby the petitioner was removed from the post of Anganwadi Sevika.

Learned counsel for the petitioner has assailed the



impugned order primarily on the ground that the order of termination as well as the appellate order suffers from the vice of non-consideration of the materials available on the record. Learned counsel submits that on perusal of the impugned order it would appear that the reply submitted by the petitioner to the show cause notice has not at all been considered and the impugned orders have been passed in haste. It is submitted that the Sarpanch and the Mukhiya as also the Prakhand Pramukh, who are the responsible persons of the society, have submitted letters stating that the petitioner is running the Anganwadi Centre honestly and there were no complaints with respect to the service of the petitioner.

On the other hand, learned counsel representing the State submits that the action was taken against the petitioner after receipt of the inspection report from the Child Development Project Officer, Basopatti (in short 'CDPO'). During the inspection several irregularities were found in running the Anganwadi Centre. Attention of this court has been drawn towards the charges levelled against the petitioner vide Annexure-1 to the present application.

Learned counsel submits that in response to the charges the petitioner came out with a plea that on that particular day only rice was distributed because pulse was not available and one person had been sent to the market to purchase pulse. Learned counsel submits



that the District Programme Officer has taken note of the statements made on behalf of the CDPO wherein he had also stated that in past show cause notices were asked from this petitioner regarding certain irregularities and her honorarium was also stopped but no progress seems to have taken place thereafter and on 15.09.2010 when the inspection was conducted the beneficiaries at the centre complained that the Take Home Ration (THR) is being provided only at some interval, that too, in lesser quantity. It is also pointed out from the appellate order that altogether 15 persons had complained regarding huge irregularities in the distribution of THR.

Having heard learned counsel for the parties and on perusal of the records this court finds that the petitioner has been terminated from the post of Anganwadi Sevika in view of the inspection report and the report of the CDPO which in turn is based on the complaints made by the beneficiaries of the centre. The petitioner admits to this extent that on the date of inspection only rice was distributed and takes a plea that a person was sent to the market to purchase pulse but that explanation has not been found satisfactory by the competent authorities. This is not a case where the petitioner was not given any opportunity to show cause or that the facts and circumstances stated by her have not been taken into consideration.

In the opinion of this Court, if the competent authorities



responsible to supervise the workings of the centre, in course of inspection, found that certain irregularities were being committed in the matter of distribution of THR and they were not satisfied with the reply of the petitioner, this Court sitting in its writ jurisdiction under Article 226 of the Constitution would not like to go into the evidence or shall not appraise and impose its own opinion in place of the opinion of the competent authorities. No illegality or infirmity could be found in the impugned order.

The Writ Application has no merit. It is accordingly dismissed.

(Rajeev Ranjan Prasad, J)

Dilip, AR

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	09.07.2018
Transmission Date	N/A

