

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7075 of 2014

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Pinki Kumari Wife of Sri Rajiv Kumar Gupta Resident of Village Kajha Kothi,
Mushari, Block - K. Nagar, P.S. K. Nagar, District Purnea Petitioner

Versus

1. The State of Bihar through the Principal Secretary of the Social Welfare Department, Government of Bihar, Patna
 2. The Director of the Integrated Child Development Scheme Directorate, Bihar Patna.
 3. The Commissioner of the Purnea Division, Purnea.
 4. The Regional Development Officer, Purnea Division, Purnea.
 5. The District Magistrate, Purnea.
 6. The District Programme Officer Purnea
 7. The Child Development Project Officer, Kritya Nand Nagar, District - Purnea.
 8. Priti Kumari W/o Sri Murari Ram R/o Kajhakothe Mushari P.O. Kajha, P.S K. Nagar, District- Purnea Respondents
- =====

Appearance :

For the Petitioner : Mr. Rajeev Kumar Singh, Advocate
For the State : Mr. Indradeo Prasad, SC 27 and
Mr. Sunil kr.Singh, AC to SC 27
For the Respondent no.8 : Mr. Ajay kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 09-01-2018

Heard counsel for the petitioner and the other side.

Pursuant to the inspection of the Anganwari center on 22.5.2013 some irregularities were found in conduct of the affairs of the center for which show case was issued to the petitioner. Petitioner's response dated 26.6.2013 presents a peculiar circumstance. She has objected to the inspection having been made beyond the period for which the Center was running and after the children had gone to their house. Further, the petitioner has admitted some of the allegations and has tried to explain the same by referring to certain local pressures. Considering the response of the petitioner and the report, the petitioner has been removed from the service of Anganwari Sevika by order dated 1.7.2013, passed by the District Programme Officer, Purnea (respondent no.6). The petitioner has



filed an appeal against the said order before the Regional Development Officer, Purnea Division (respondent no.4) which was dismissed on 14.12.2013 (Annexure 2). From perusal of the same, it appears that the matter has been considered in detail and after considering the relevant materials and the evidence of the beneficiaries, the appellate authority has affirmed the order terminating the petitioner. The orders, therefore do not require any interference.

It is lastly submitted by the counsel for the petitioner that enquiry report was not made available to the petitioner before passing of the said orders. This Court finds that the petitioner has neither raised this plea in her response dated 26.6.2013 before respondent no.6 nor in appeal on 1.10.2013 before respondent no.4, which is Annexure 8 of the writ petition. In view of the aforesaid position, there is no scope for this Court to exercise jurisdiction under Article 226 of the Constitution of India, as the records of the proceedings do not substantiate the assertion of the petitioner made in the writ petition in relation to non-supply of enquiry report.

For the reasons indicated hereinabove, the writ petition is dismissed.

(Madhuresh Prasad, J)

Shashi.

AFR/NAFR	
CA V DATE	NA
Uploading Date	11.1.2018
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