

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16244 of 2013

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Usha Devi Wife Of Shiv Shankar Das Resident Of Village - Gorgamma,
Police Station - Bounsi, District - Banka

... .. Petitioner/s

Versus

1. The State Of Bihar , Through The Principal Secretary, Department Of Social Welfare, Government Of Bihar, Patna
2. The Director, Integrated Child Development Scheme Directorate (Social Welfare Department), Indira Bhawan, Ramcharitra Singh Path, Bihar, Patna
3. The Divisional Commissioner, Bhagalpur Division, Bhagalpur
4. The District Magistrate, Banka
5. The District Programme Officer, Banka
6. The Child Development Project Officer, Bounsi, District - Banka
7. Sabnam Kumari Wife Of Not Known To The Petitioner Lady Supervisor, Block - Dhoraiya, District - Banka

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Balram Kapri
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT

Date : 03-04-2018

This writ petition under Article 226 of the Constitution of India has been filed for quashing order dated 30.7.2012 passed by the District Programme Officer, Banka, by which selection of petitioner as Aanganwari Sevika of Aanganwari Centre No. 64, Gorgamma, Block-Bounsi, District-Banka, has been cancelled as well as order dated 26.4.2013 passed by the District Magistrate, Banka, in Aanganwari Appeal Case No. 94 of 2012-13 dismissing the appeal of petitioner.

Briefly stated facts of the case is that petitioner was appointed as Aanganwari Sevika for Aanganwari Centre No. 64



(Bounsi), District-Banka in the year 2004 and since then she was discharging her duty with utmost devotion and without any complaint.

Lady Supervisor, namely, Shabnam Kumari, visited Aanganwari Centre on 8.6.2012 to conduct inspection. However, she did not mention her inspection report in the Inspection Register which is mandatory in terms of guidelines issued by ICDS. In the inspection report dated 8.6.2012, which has been enclosed as Annexure-2 to this writ petition, the Supervisor has inspected the functioning of the Centre and has stated that Aanganwari Sevika asked the children to sit down on the ground but she had not prepared the Poshahar. Aanganwari Sevika did not distribute THR among the children by calling Aam Sabha. Villagers have complained that dress amount has not been provided. They have made oral as well as written complaint. Aanganwari Sevika and Sahayika have been asked to come in dress. Children have also been asked to come in dress and lastly she has recommended for removal of Aanganwari Sevika.

The District Programme Officer issued a show cause dated 2.7.2012 to the petitioner in which it has been alleged that Poshahar was not being cooked in her Centre on the date of inspection i.e. on 8.6.2012 at 10 A.M. and complaint was made by



villagers that she has committed irregularity and she is not interested in running the Centre and to submit her explanation within seven days.

Petitioner filed a detailed reply in which she had denied all allegations. However, by order dated 30.7.2012 passed by the District Programme Officer he has stated that at the time of inspection Poshahar was not being cooked and Register was not also available at the Centre and storage was also not there. Sahayika was also not in dress and on asking villagers they told that THR was not distributed by petitioner in a proper manner. The villagers have made complaint regarding non-distribution of THR and dress amount in writing as well as oral complaint and by order dated 30.7.2012 petitioner was removed from the post of Aanganwari Sevika. Against which she filed an appeal before the District Magistrate which was also dismissed by the Collector.

It has been submitted on behalf of the petitioner that the allegations as made against her are not in conformity with guidelines issued by ICDS and she has not committed any irregularity and in the inspection report made during inspection it was found that the Centre was running properly and children came to the Centre in good number and they were given Poshahar and there was proper distribution of THR and dress amount was



distributed amongst the beneficiaries. As per guidelines issued by the ICDS the written complaint made by the beneficiaries can only be entertained and no such complaint has been given to petitioner along with the show cause notice and inspection report.

She has further stated that Poshahar was being cooked and there was proper storage of foodgrains but due to lack of space same has been stored at a different place which was visited by the Aanganwari Supervisor and found to be true but yet on account of extraneous consideration adverse inspection report has been prepared by the Aanganwari Supervisor.

After going through the show cause issued by the District Programme Officer, the reply of petitioner to the show cause and the order passed by the District Programme Officer, it appears that the guidelines issued by ICDS for imposing punishment for irregularity committed at the Centre has not been adhered to by the District Programme Officer and allegation, as contained in Annexure-4 to the writ petition, is vague and not specific, as such the order passed by the District Programme Officer as well as the District Magistrate, the Appellate Authority, is not sustainable and is accordingly set aside and petitioner is directed to be reinstated forthwith, however, without back wages.



The writ petition stands allowed, however without any
cost.

(S. Kumar, J)

sudip/-

AFR/NAFR	NAFR
CAV DATE	NA
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