

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17604 of 2015

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Chanda Sinha Wife of Sanjay Kumar, resident of village- Birnia, P.S.-
Bahadurganj, District- Kishanganj

.... Petitioner

Versus

1. The State of Bihar
2. The District Magistrate-cum-Collector, Kishanganj
3. The District Programme Officer, Kishanganj
4. The Child Development Project Officer, Bahadurganj, District- Kishanganj

.... Respondents

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Appearance :

For the Petitioner : Mr. Pramod Kr. Sinha, Advocate
Mr. Md. Abdul Wadood, Advocate
Mr. Chetan Kumar, Advocate

For the Respondents : Mr. AC to GP 7

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 07-08-2018

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

The petitioner has challenged order dated 24.9.2015
under Memo no. 571 passed by the District Magistrate,
Kishanganj in Appeal Case No. 13/2012 whereby the petitioner's
claim has been rejected. Petitioner's selection as Anganbari Sevika
was cancelled earlier pursuant to inspection of the Center on
6.1.2012, wherein the Center was found closed.

Petitioner's counsel has drawn attention of the Court
towards response to the show cause, Annexure 5. This Court
would find that the petitioner was found to be absent from the
Center at the time of inspection on 6.1.2012 at 12.15 PM, even



though the time fixed for mid day meal is between 1.30 PM to 2.00 PM. The petitioner has taken a plea that in view of cold condition prevailing children had left the Center. Other allegation on basis of findings in the inspection is that the Center was found in such condition that it appears to be non functional. The petitioner has responded that since the Center is housed in a structure/hut made of mud, the condition inside could not be any better. The issues are thus admitted by the petitioner but she has made an attempt to explain the lapses which were discovered at the Center.

This Court would only observe that such a plea raised by the petitioner regarding Center being closed due to cold weather cannot be accepted. Otherwise every Anganbari Sevika can take a plea of closing down the Anganbari Kendra when weather is not conducive as per their perception. The welfare activities for children would thus be left to the discretion of the individual based on her perception of bad weather. Such situation cannot be countenanced.

The writ petition is devoid of merit and the same is dismissed.

Learned counsel for the petitioner prays that the petitioner may be permitted to participate in the selection process which will take place tomorrow.



Without expressing any opinion on the merits of the petitioner’s prayer, in case the petitioner has applied and is eligible for the consideration, the same may be done in accordance with law.

(Madhuresh Prasad, J)

Shashi.

AFR/NAFR	NAFR
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