

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9599 of 2013

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1. Kiran Sinha @ Kumari Kiran Sinha W/O Arbind Kumar R/O Village-
Dariyapur, P.O.- Bhadans, P.S.- Sheikhpura, District- Sheikhpura

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principle Secretary Social Welfare
Department, Government Of Bihar, Patna
2. The Director Integrated Child Development Scheme, Social Welfare
Department, Bihar, Patna
3. The Commissioner, Munger Division, Munger
4. The District Magistrate, Sheikhpura
5. The District Programme Officer, Sheikhpura
6. The Child Development Project Officer, Ghat Kusumbha, District-
Sheikhpura
7. The Block Welfare Officer, Ghat Kusumbha, Sheikhpura
8. The Panchayat Sachiv, Gram Panchayat Badausi, Block-Ghat Kusumbha,
Sheikhpura
9. Smt. Subi Kumari W/O Siyaram Kumar R/O Village- Dariyapur, P.O.-
Bhadaus, P.S.- Sheikhpura, District- Sheikhpura

.... Respondent/s

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Appearance :

For the Petitioner : Mr. Alok Kumar Sinha, Sr. Advocate
Mr. Bhola Kumar & Mr. Ashish Kumar

For the State : Mr. A. Karim, AC to GP 10

For Respondent No. 9 : M/s Ajay Kumar Singh, Sri Prakash &
Dinkar Kumar

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

6 29-08-2018 Heard Mr. Alok Kumar Sinha, Senior Counsel, appearing
on behalf of the petitioner, and the Counsel appearing on behalf
of the respondent State as well the private respondent.

Petitioner's Counsel has submitted that removal of the
petitioner from the post of Anganwari Sevika, Centre No. 26
Village Dariyapur under Ghatkusumbha Block is contrary to the
guidelines of 2006. He submits that Clause (9) therein provides
that inspection has to be done by Child Development Project
Officer or other district level officers. Referring to the order dated



17.5.2008 whereby her selection has been cancelled, it is submitted that the inspection was done by the Block Welfare Officer, Ghatkusumbha and Panchayat Sachiv. It is submitted that the inspection was by an incompetent authority and therefore the cancellation of petitioner's selection is not in accordance with law.

The petitioner had earlier moved this Court vide CWJC No. 15400 of 2010 wherein she had taken a different plea of violation of principle of natural justice in the matter of cancellation of her selection. Alleging that her case was similar to that decided in CWJC No. 10743 of 2008 she got the writ petition disposed of in terms of CWJC No. 10743 of 2008 which granted liberty to approach the Director ICDS raising a grievance regarding cancellation of selection being without affording opportunity of hearing to the petitioner. Having obtained such liberty she has approached the Director, ICDS. In her representation she has raised grievance regarding inspection being done by an incompetent authority which plea has been considered by the respondents. It is submitted that Clause (9) of 2009 guidelines does not describe the authority for inspecting the centre. The effect of Clause (9) is that the Child Development Project Officer or any other district level officer is required to forward the recommendation for cancellation of selection of Anganwari Sevika. It has rightly been pointed out with reference to the order dated 17.5.2008 that the same has been recommended by the CDPO –cum- Block Development Officer, Ghatkusumbha. The same fact has been taken note of by the Divisional Commissioner while disposing of the petitioner's Service Appeal No. 24 of 2008 under order dated 12.12.2008. The concurrent



finding is on record that the recommendation was made by the competent authority under Clause (9) of 2006 guidelines. The submission that the petitioner's selection has been cancelled by the inspection conducted by the incompetent authority is therefore not founded on Clause (9) of 2006 guidelines.

This Court does not find any reason to interfere with the order dated 8.1.2013 vide Memo No. 97 issued by the Director ICDS.

The writ petition is dismissed.

(Madhuresh Prasad, J.)

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