

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9148 of 2014

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Anila Devi W/o - Chandeshwar Yadav R/o Village - Sahladpur, P.S. - Majhagarh,
District - Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Commissioner Cum Secretary, Department of Welfare, Govt. of Bihar, Patna.
3. The Director, Integrated Child Development Scheme, Welfare Department, Govt. of Bihar, Patna.
4. The District Magistrate, Gopalganj.
5. The District Program Officer, ICDS, Gopalganj.
6. The B.D.O., Majhagarh, Gopalganj.
7. The Child Development Project Officer, Majhagarh, Block, Dist. - Gopalganj.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Harendra Prasad, Advocate
For the Respondent/s : Mr. S.S. Prasad, SC 8
For the Intervener : Mr. Ranjeet Kumar Pandey, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 14-08-2018

Heard learned counsel for the petitioner and the respondent State.

2. Petitioner has challenged the order passed on her appeal by the District Magistrate, Gopalganj on 18.09.2012. He submits that though there was no public petition or any allegation against the petitioner about any irregularity, her selection has been cancelled by the District Program Officer by order dated 18.05.2012.

3. Petitioner has not challenged the original order whereby her selection has been cancelled by order dated 18.05.2012 issued by the District Program Officer, Gopalganj, but has challenged only the order of the appellate authority. In view of non-challenge to



the order dated 18.05.2012 passed by the District Program Officer, Gopalganj, even if the prayer made in the writ petition is allowed, the same at best would revive the original order dated 18.05.2012 of the District Program Officer, Gopalganj, whereby petitioner's selection as Anganbari Sevika was cancelled.

4. Petitioner's selection has been cancelled on the allegation of her absence on two dates i.e., on 13.04.2012 and 10.05.2012 at the centre and presence of few children.. In respect of allegation of his absence on 10.05.2012 she submitted before the authority that at the time of inspection she had gone to call Sahayika and due to warm weather condition there were a few children at the centre.

5. Her absence; and presence of few children at the centre is admitted by the petitioner. Explanation has been offered regarding her absence on 10.05.2012 and no explanation has been offered regarding her absence on 13.04.2012.

6. In view of the concurrent findings on the aforesaid factual position, both by the District Program Officer as well as District Magistrate, this Court finds no reason to interfere with the said orders.

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

(Madhuresh Prasad, J)

Prakash/-

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CAV DATE	
Uploading Date	
Transmission Date	

