

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1453 of 2015

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Nagina Kumari wife of Sanjeet Ram resident of village- Birsayar, PS- Sakari (Pandaul), District- Darbhanga. **Petitioner**

Versus

1. The State of Bihar through the Secretary , Welfare Department , Old Secretariat, Patna.
2. The Director, Integrated Child Development Directorate, Welfare Department, Government of Bihar, Patna.
3. The Commissioner, Darbhanga Division, Darbhanga.
4. The District Magistrate, Madhubani, District- Madhubani.
5. The District Welfare -cum-District Program Officer, Madhubani.
6. The Child Development Project Officer, Pandaul, District- Madhubani.
7. The Child Development Project Officer, Pandaul, District- Madhubani.

.... **Respondents**

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Appearance :

For the Petitioner : Mr. Shambhu Nath Jha, Advocate
For the Respondents : Mr. Rohitabh Das, AC to AAG 10.

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 01-05-2018

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

2. In relation to non participation of the petitioner in the Pulse Polio Programme show cause had been issued to her on 25.1.2007 (Annexure 4). The issue was agitated before the District Magistrate, Madhubani and finally selection of the petitioner as Anganbari Sevika has been cancelled by the District Magistrate on 7.2.2007 (Annexure 6).

3. The petitioner had earlier approached this Court by filing C.W.J.C.No. 5703 of 2010 to the writ petition. Under directions issued in the said writ proceedings on 7.12.2010



(Annexure 12) the Divisional Commissioner, Darbhanga Division was directed to decide the appeal of the petitioner. Pursuant thereto, the Divisional Commissioner rejected the appeal filed by the petitioner under order dated 27.8.2013 affirming the order dated 4.8.2008, passed by the District Magistrate, Madhubani whereby petitioner's selection as Anganbari Sevika of Center no. 194 in Pandav has been cancelled.

4. Specific finding with regard to the show cause submitted by the petitioner and other materials on record have been discussed in detail by the Divisional Commissioner while rejecting petitioner's appeal. It has been found that the petitioner's non participation in the Pulse Polio Programme was a regular feature, she has not participated in the same on the earlier occasions and the same has affected the successful implementation of the scheme.

5. Specific complaint in this regard has also been made during the review conducted by representatives of the (United Nations Educational, Social and Cultural Organization (UNESCO) and the World Health Organization (WHO).

6. As the petitioner's repeated absence has affected successful implementation of the scheme, the Commissioner has upheld the order passed by the District Magistrate, Madhubani and appeal has been rejected under order dated 27.8.2013 after careful



consideration of the aforesaid facts and after giving a reasonable opportunity to the petitioner.

7. The petitioner’s contention that she was ill on the date of Pulse Polio Programme, i.e., dated 7.1.2007 cannot enure to the benefits in view of the specific findings that she has been ignoring the Pulse Polio Programme continuously for some years. In light of the aforesaid considerations, this writ petition is devoid of merit.

8. It is dismissed accordingly.

(Madhuresh Prasad, J)

Shashi.

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	4.5.2018
Transmission Date	NA

