

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.24293 of 2013

=====

Mamta Kumari W/O - Niwas Singh Resident Of Village - Chatna Bazar, P.S. - Shambhuganj, District – Banka	 Petitioner
--	----------------------

Versus

- | | |
|---|-----------------------|
| 1. The State Of Bihar | |
| 2. The Commissioner , Bhagalpur Division, Bhagalpur | |
| 3. The District Magistrate, Banka | |
| 4. The District Programme Officer, Banka | Respondents |
- =====

Appearance :

For the Petitioner	: Mr. Kumar Mritunjay Narain, Advocate
For the Respondents	: Mr. Amit Bhushan, AC to GP 17

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 20-06-2018

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

The petitioner is seeking quashing of order passed by the Commissioner, Bhagalpur Division, Bhagalpur in Misc. (Anganbari) Revision Case no. 69 of 2013-14 dated 21.10.2013, order passed in Anganbari Appeal Case No.73 of 2012-13 dated 28.6.2013, by the District Magistrate, Banka. Both these orders arise out of order dated 30.6.2012, passed by the District Programme Officer, Banka, whereby petitioner's selection on the post of Anganwari Sevika at Anganbari Center Code No. 21 at Chatna Bazar, Shambhuganj in District Banka, has been cancelled, which also is impugned in the instant writ petition.

Submission of the petitioner is that the Center in question was inspected on 19.5.2012 at 11 am and children were not found present at the Center. Petitioner's response to show cause is Annexure 1 to the writ petition. She says that prior to the inspection on 19.5.2012 at 11 am, 15 children were present at the Centre and due to intense heat of Summer they had been taken away by their



guardians after taking the mid day meal. Response of the petitioner is that thus none of the children was present at the Center at the time of inspection.

Learned counsel for the petitioner has placed reliance on the judgment of this Court dated 13.12.2012, passed in C.W.J.C.No. 21195 of 2012 (Kumari Archana Vs. State of Bihar and others) and sought consistence on basis of the said judgment. Said judgment has taken into consideration the relevant Circular No. 2120 dated 20.6.2012 which provides initiation of action for cancellation of selection of Anganbari Sevika in the event the number of children at the Centre is found to be 14 or less than 14 at the time of inspection. There is not the case here. In the instant case admitted position is that at time of inspection none of the children were present.

As noticed above, in the response to the show cause, the petitioner has admitted that at the time of inspection none of the children was present at the Center though she has tried to justify their absence due to heat wave conditions.

The writ petition is devoid of merit and is dismissed.

(Madhuresh Prasad, J)

Shashi.

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.6.18
Transmission Date	NA

