

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5626 of 2011

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Sujata Kumari, Wife of Ramashish Kumar, R/o Village Dharampur. P.S. Shakurabad, District Jehanabad. Petitioner

Versus

1. The State of Bihar,
 2. Director, Social Welfare, Govt. of Bihar, Patna,
 3. Collector, Jehanabad,
 4. District Programme Officer, Jehanabad,
 5. Child Development Project Officer, Ratni Faridpur, Jehanabad,
 6. Panchayat Sachiv, Gram Panchayat Raj Narayan Pur, P.S. Shakurabad, Distt. Jehanabad,
 7. Mukhia, Gram Panchayat Raj Narayan Pur, P.S. Shakurabad, Distt. Jehanabad.
- Respondents
- =====

Appearance:

For the Petitioner/s: Mr. Mahesh Prasad No. 2 and
Mr. Rewti Kant Raman, Advocates.

For the Respondent/s: Mr. Priyadarshi Matri Sharan, AC to AAG 15.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT

Date: 31-01-2018

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

2. Petitioner is aggrieved by order dated 28.11.2010 passed by the respondent Collector, Jehanabad in Case No. 14 / D.M. / 2010, contained in Annexure-6, as also the order contained in Memo No. 469 dated 18.01.2009 passed by the District Programme Officer, Jehanabad by which the engagement of the petitioner as Anganwadi Sevika has been dispensed with / terminated on certain allegations of committing irregularities in the matter of running of the Anganwadi Centre.

3. Learned counsel for the petitioner has assailed the order of removal / termination of this petitioner mainly on the ground that



while passing the impugned order the District Programme Officer has not at all considered the show cause submitted by the petitioner. Learned counsel submits that even though the District Programme Officer has recorded his dissatisfaction on the show cause submitted by this petitioner but the order passed by him nowhere indicates the consideration given by him to the submissions made by the petitioner. Learned counsel further submits that from perusal of Annexure-3 it would appear that in the show cause notice issued to the petitioner the allegations were that the Take-Home-Ration was not distributed on the date fixed for such distribution, the foodgrains were not found in the Centre, the Distribution Register was not maintained, Khichari was not being prepared at the Centre and only 12 beneficiaries could be found in attendance. It is further alleged that on 07.10.2009 the amount was withdrawn by the petitioner but the same was not spent. The show cause notice also contains a charge that the villagers had alleged that this petitioner was residing outside and only on one day in a week she is running the Centre.

4. It is the submission of the learned counsel that vide Annexure-4 the petitioner had replied to these allegations stating that about 32 children, who belonged to Scheduled Castes category, were staying in the Centre during night hours because they had no other alternative, therefore, the foodgrains were not stocked or kept in the



Centre. She has, however, stated that for supplementary diet the foodgrains were available and were being distributed among the beneficiaries. She has further claimed that the amount withdrawn on 07.10.2009 for purchase of rice and pulse purchases were made and the same were kept in her house because the Community Hall was always open and poor people and workers used to take rest there. She denied the allegations made in the show cause notice. As stated above, the submission of the learned counsel is that these facts have not been considered by the District Programme Officer and the impugned order has been passed without consideration of the materials available on the record.

5. On the other hand, learned counsel representing the State submits that in the nature of the engagement of the present petitioner, what has transpired in course of inspection vide Annexure-2 are enough for her removal / termination. Learned counsel has pointed out that from the inspection note itself it would appear that the petitioner was not maintaining the Supplementary Diet Distribution Register and the Foodgrains Stock Register; further from the note of the Inspecting Officer, in paragraph 20 of the inspection note, it would appear that the inspecting team found that the Distribution Register was not maintained after 22.10.2009. A sum of Rs. 10,975/- was withdrawn on 07.10.2009 from the A/c but the same was not spent.



He also noted that the Centre is not running every day and the foodgrains are not stocked in the Centre. Even the prepared meal was not available and the villagers complained that the petitioner was living outside and had been coming to the Centre only on one day in a week. He, therefore, recommended for action after asking show cause from her.

6. Learned counsel further submits that the submission of the learned counsel representing the petitioner that the District Programme Officer has not considered her submissions may be considered from the kind of submissions made by her in her own reply as contained in Annexure-4 to the Writ Application. She has come forward with a plea that because the 32 boys of Scheduled Castes category were staying in the Centre during night hours, therefore, she was not keeping the foodgrains in the Centre. She has in fact admitted in her reply that the foodgrains were kept in her residence; the reasons given by her, according to the learned counsel for the State, has rightly not been accepted by the District Programme Officer. Learned counsel submits that the submission of the petitioner that the allegation against her were not mentioned in the Inspection Register is also not correct inasmuch as the inspection note, as contained in Annexure-2 which has been brought by the petitioner on the record, itself shows that the allegation of non-distribution of ration



and non-preparation of Khichari were all mentioned in the said note. It is, thus, submitted that the District Programme Officer, Jehanabad, having considered the entire facts and circumstances, was not satisfied with the reasons shown by the petitioner. In such circumstance, if he has passed the order dated 18.11.2009, as contained in Annexure-5, it may not be open to judicial scrutiny. Learned counsel further submits that the appeal preferred by the petitioner has also been rejected after hearing her because the appellate authority did not find any ground to interfere with the order passed by the District Programme Officer.

7. At this stage, learned counsel also points out that in fact during the pendency of the Writ Application after a fresh advertisement, appointment of Anganwadi Sevika has already been made on that Centre. The petitioner has filed an Interlocutory Application being I.A. No. 725 of 2018 for impleadment of the newly selected Anganwadi Sevika but, in the facts and circumstances of the present case, the said I.A. is fit to be rejected.

8. I have heard learned counsel for the parties and perused the records.

9. The post of Anganwadi Sevika is not a civil post as envisaged under Article 309 of the Constitution of India. The State acts as a nodal agency to implement the project sponsored by the World Bank and the Central Government for the benefit of all



pregnant women and poor downtrodden of the society. The benefits are meant for those who are unfortunates in the matter of getting proper care during the pregnancy and those children who are deprived of the basic meal for their nourishment. An Anganwadi Sevika has a responsibility to give effect to the aims and objects of the scheme / project by serving the pregnant women and the downtrodden members of the society dispassionately and wholeheartedly.

10. In the present case, as it appears from the inspection note (Annexure-2) a number of irregularities were found; a show cause was issued to the petitioner containing all such allegations which have been mentioned here-in-above. In response the petitioner submitted her reply, on perusal thereof the District Programme Officer was not satisfied with the reasons shown and, therefore, he has, upon analysis of the materials on the record, decided to disengage / remove the petitioner from her engagement as Anganwadi Sevika. The order has been passed after compliance with the principles of natural justice. Even at the appellate stage the petitioner has been heard. Nothing concrete could be found by the appellate authority to interfere with the order passed by the District Programme Officer. The grounds raised by the learned counsel for the petitioner that the impugned order does not indicate reasons does not impress upon this Court because on perusal of the reply submitted by the petitioner as



contained in Annexure-4, this Court is satisfied that the reasons shown by her are in fact not convincing and, if those reasons are not convincing, the District Programme Officer was within his power to pass the impugned order by recording his dissatisfaction. A judicial scrutiny of Annexure-4 would show that in fact most of the allegations have been baldly denied. This is not the case of the petitioner that at any prior point of time she had disclosed to the authorities concerned about the difficulties in keeping the foodgrains in the Centre; if she has not apprised the authorities about her any difficulty in this regard, when an action is taken against her for not acting in terms of the guidelines meant for running the Anganwadi Centres it will not be open for the petitioner to take such a plea by way of defence; moreover, in the nature of the job which she is doing, this Court does not find any reason to interfere with the impugned orders.

10. The Writ Application as well as the Interlocutory Application are accordingly dismissed.

(Rajeev Ranjan Prasad, J)

Dilip, AR

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