

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20434 of 2014

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Jaikali Devi Wife of Vijay Roy Resident of Village - Teja Bigha, P.O. -
Lakhanpura, Police Station - Bakhtiyarpur, District – Patna **Petitioner**
Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Bihar.
 2. The Deputy Director, Welfare, Patna Division, Patna.
 3. The District Magistrate, Patna.
 4. The District Programme Officer, Patna.
 5. The Child Development Project Officer, Bakhtiyarpur, Patna.
 6. The Mahila Supervisor, Bakhtiyarpur, Patna **Respondents**
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Appearance :

For the Petitioner : Mr. P. M.M. Prasad, Advocate
Mr. R.K. Goswami, Advocate
Mr. P.K. Singh Advocate

For the Respondents : Mr. Shankakr Kr. Thakur, AC to GP 27

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 31-07-2018

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

2. Writ petition has been filed for quashing order dated 27.8.2014 of the Deputy Director, Welfare, Patna Division, Patna confirming order dated 13.5.2014, passed by the District Programme Officer (in short ‘the DPO’), Patna. Under the said two orders, selection of the petitioner as Anganbari Sahaika at Center no. 52 under Bakhtiyarpur Block has been cancelled.

3. The reasons assigned for cancelling her selection is her absence from the Center during inspection conducted on two dates being 25.7.2014 and 5.8.2014. The petitioner has chosen not to



appear before the DPO, Patna when the matter was fixed for consideration before the DPO, Patna on the date fixed, i.e., 13.5.2014. Petitioner's absence from the Center on two dates when the same was inspected and her absence before the DPO, Patna is admitted in the pleadings of the petitioner in the instant proceedings. The absence is sought to be justified raising a plea of her illness on all the three dates.

4. However, the petitioner has not placed on record anything before the DPO, Patna or the Deputy Director, Welfare in the appellate proceedings to show that she has sent intimation in respect of her absence to the higher authorities on the two dates when the Center was inspected and when she was found to be absent. It is only in the proceedings before the Deputy Director, Welfare for the first time, apparently as an afterthought she has produced some prescriptions in support of her claim of being ill on both said dates. Since, admittedly intimation has not been given regarding her absence on both dates, the Deputy Director, Welfare has not considered the prescription submitted by her.

5. This Court does not find any error in the order issued by the Deputy Director, Welfare. In so far as order passed by the DPO, Patna is concerned, it is the petitioner's own case that she did not appear before him on the date fixed, i.e., 13.5.2014. This Court



is not inclined to interfere with the order passed by the authorities after due consideration of the aforesaid conduct of the petitioner.

6. The writ petition is thus dismissed.

(Madhuresh Prasad, J)

Shashi.

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	6.8.2018
Transmission Date	NA

