

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1499 of 2015

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Urmila Devi wife of Sri Upendra Paswan, Anganbari Sevika, Centre- Jamalpur (Mushahari), Code No.130, Child Development Project, Bikram, Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Director, I.C.D.S., Bihar, Patna.
2. The Divisional Commissioner, Patna Division, Patna.
3. The District Magistrate, Patna.
4. The District Programme Officer, Patna.
5. The Child Development Project Officer, Bikram, District- Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2, Advocate
Mr. Gajendra Kumar Singh, Advocate
For the Respondent/s : Mr. Rohitabh Das, AC to AAG 10

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 01-05-2018

Heard learned counsel for the petitioner and the respondent State.

2. The petitioner has challenged the order passed by the appellate authority i.e., the Divisional Commissioner dated 03.04.2014/28.04.2014 in Misc. Appeal No. 392 of 2013 wherein the cancellation of the petitioner's selection as Angan Bari Sevika has been upheld.

3. It is submitted that only two charges have been levelled against the petitioner one of not maintaining the hygiene and the second that "Posahar" was not being regularly cooked and distributed. As regards the first charge, it is submitted that under the



guidelines the petitioner was entitled to one opportunity for rectifying the said mistake and that at the first instance the petitioner could not have been visited the severe consequences.

4. This Court finds that regarding the charges of Posahar not being regularly cooked and distributed among the beneficiaries, the petitioner has disputed and denied the allegation before the authorities and relied upon the certificate issued by the Mukhia to contend that the Posahar was being regularly distributed among the beneficiaries.

5. This Court has seen the certificate of the Mukhia which has been submitted by the petitioner. The same is dated 08.04.2012. The inspection leading to cancellation of the petitioner's selection was conducted on 26.11.2011. *Prima facie* the certificate which has been issued by the Mukhia is about five months after the inspection was conducted at the centre where the petitioner was working as Angan Bari Sevika. The same even though signed by few persons cannot be relied upon.

6. It is the specific case of the respondents that at the time of inspection many of the villagers had complained that "Posahar was not being cooked and distributed amongst the beneficiaries.

7. In support of the petitioner's claim that the centre was running properly, she has not even produced the attendance



register or distribution register before the authority as is evident from the impugned order dated 28.04.2014.

8. This Court finds no reason to interfere with the conclusions arrived at in Misc. Appeal No. 392 of 2013 sustaining cancellation of the petitioner's selection as Angan Bari Sevika at Centre No. 130 in Village Jamalpur, Block Vikram in the District of Patna.

9. No relief has been prayed for challenging the original order of dismissal issued by the District Programme Officer cancelling the petitioner's selection which is dated 03.02.2012 passed in Case No. 36 of 2012 by the District Programme Officer Patna. Even otherwise since quashing of the original order cancelling the petitioner's selection has not been challenged, there is no occasion for this Court to interfere with the order passed by the appellate authority in Misc. Appeal no. 392 of 2013 in as much as even if the same is quashed or set aside cancellation of the petitioner's selection under order dated 03.02.2012 passed by the District Programme Officer would stand.

10. For the reasons indicated herein above the writ petition is dismissed.

(Madhuresh Prasad, J)

Prakash/-

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CAV DATE	
Uploading Date	
Transmission Date	

