

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14437 of 2013

Kamla Devi wife of Ganesh Paswan Resident of Village- Goriyari, P.S.-
Mokama, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar Through Its Principal Secretary, Department of Health And Welfare, Govt. of Bihar, Patna
2. The Director, Integrated Child Development Service, Bihar, Patna
3. The District Magistrate, Patna
4. The District Programme Officer, Patna
5. The Sub-Divisional Officer, Barh, District- Patna
6. The Child Development Project Officer, Mokama, District- Patna
7. The Lady Supervisor, Mokama At Patna

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Tiwary, Adv.
For the Respondent/s : Mr. Nivedita Nirvikar, Adv.

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT

Date : 02-05-2018

This writ petition under Article 226 of Constitution of India has been filed for quashing order dated 28.05.2012 passed by the District Programme Officer, Patna, by which service of petitioner on the post of Aanganwari Sevika has been terminated as well as order dated 03.05.2013 passed by District Magistrate, Patna, by which appeal preferred by petitioner has been rejected.

2. Briefly stated the case of petitioner is that she was appointed on the post of Aanganwari Sevika for the Center, Goriyari, Code No.200 and thereafter was discharging her duties with devotion and no complaint was ever registered against her.

3. The Center was inspected on 27.04.2012 by the Sub-Divisional Officer, Mokama, and Center was found closed and no



application for leave was found to have been submitted by petitioner.

4. On the basis of report dated 02.05.2012 submitted by the Child Development Project Officer, Mokama, District Programme Officer, Patna, asked show cause notice dated 22.05.2012 to the petitioner regarding irregularities found during inspection. Petitioner filed her reply in detail and denied the charges levelled against her.

5. The Center was inspected on 27.04.2012 by Sub-Divisional Officer, Barh, and in the meantime petitioner was admitted in Harihar Health Mission, Mokama, on 22.04.2012 as she was ill and her condition became serious. According to Petitioner she had gone on 21.04.2012 in the office of Child Development Project Officer, Patna, but no one accepted her leave application as no official was present there.

6. Petitioner developed medical complication on 21.04.2012 and she was admitted in Harihar Health Mission on 22.04.2012 and was discharged on 27.05.2012 and during said period from 22.04.2012 to 27.05.2012 she was not in a position to attend her duty, as such she was not present at the time of inspection and after hearing both the parties the District Programme Officer by order dated 22.08.2012 removed petitioner



from service. Petitioner preferred an appeal before the District Magistrate, Patna, and same was dismissed by order dated 03.05.2013.

7. A counter affidavit has been filed on behalf of respondents in which it has been stated that Aanganwari Center No.200, Goriyari, was inspected on 27.04.2012 by the Sub-Divisional Officer, Barh, and same was found to be closed. Aanganwari Sevika and Aanganwari Sahayika both were found absent. The matter was reported to Child Development Project Officer, Mokama, and same was reported to the District Programme Officer, Patna, by the Child Development Project Officer by her letter dated 02.05.2012 and show cause notice was issued on 22.05.2012 to the petitioner.

8. Petitioner submitted her reply on 28.05.2012 and she was also personally present before the District Programme Officer, Patna, and stated that she was ill and was under treatment and Aanganwari Sahayika was also absent due to illness. Petitioner could not apply for leave to the concerned Authorities and it was stated on behalf of petitioner that she remained absent from 22.04.2012 to 27.05.2012 due to her illness and being under treatment.



9. However, it is admitted position that petitioner had not applied for any leave on medical ground, as such her absence from duty was treated unauthorised and she was removed from service by order passed by the District Programme Officer, Patna, and her appeal preferred before the District Magistrate, Patna, was also rejected.

10. After hearing learned counsel for the parties and perusing the materials available on records, it is an admitted fact that petitioner remained absent from Aanganwari Center from 22.04.2012 to 27.05.2012 and she did not obtain any leave from the competent authority and the Center remained closed during said period and the very object for which Aanganwari Center are established was being frustrated, as the Aanganwari Center remained closed due to absence of Aanganwari Sevika and Aanganwari Sahayika and they failed to perform their duties for which they were engaged in social welfare scheme for nourishment and well being of under privileged and poor children and pregnant women belonging to deprived and marginalized section of society. I am not inclined to interfere with the order dated 28.05.2012 passed by the District Programme Officer, Patna, as well as order dated 03.05.2013 passed by the Appellate Authority, District Magistrate, Patna.



11. Accordingly, the present writ petition is dismissed.

(S. Kumar, J)

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