

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14360 of 2013

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Jaimanti Devi Pati - Gajadhar Mahto Urf Gajendra Kumar Sinha Gram-
Arha, Thana- Chandradeep, Zila- Jamui, Chayanmukt Aanganbari Sevika
Arha Uttari Kendra Sankhya- 11, Gram Panchayat- Arha

... .. Petitioner/s

Versus

1. Bihar Rajya Dwara Pradhan Sachiv, Samaj Kalyan Vibhag (Samekit Bal
Vikas Seva Yojna), Bihar Sarkar, Patna
2. Zila Padadhikari, Jamui
3. Bal Bikash Priyojna Padadhikari, Islam Nagar, Aliganj, Shakuntala Devi

... .. Respondent/s

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Appearance :

For the Petitioner : Mr. Indradeo Prasad, Advocate.

For the Respondents : Mr.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 04-12-2018

Heard learned counsel for the petitioner and the
State.

2. The petitioner's appointment as Anganwari
Sevika of Anganwari North Centre 11 under Arha Gram
Panchayat (Islamnagar Block) in the district of Jamui has
been cancelled.

3. The petitioner has challenged the order passed
by the District Programme Officer, Jamui dated
05.05.2012 whereby the petitioner was removed from
service as also against the order dated 14.12.2012 passed
in Miscellaneous Case No. 26/2012-2013 by the Collector,
Jamui who has affirmed and upheld the order of
cancellation of service of the petitioner.



4. On the complaint made by the local residents that the centre at which the petitioner was employed as Anganwari Sevika was not being run properly, the CDPO, Islamnagar made a surprise visit of the centre and found the same to be closed. On further enquiry from the neighbourhood, it was learnt that the centre was not being run properly and that people were thoroughly aggrieved by the conduct of the petitioner.

5. Pursuant to the aforesaid inspection, an explanation was called for from the petitioner, but the same was never submitted by her. In view of the fact that no reply was given by the petitioner, by order dated 05.05.2012 issued under the signature of the District Programme Officer Jamui, the appointment of the petitioner on Anganwari Sevika at centre no. 11 was cancelled.

6. In the appeal, the petitioner claims to have categorically stated that the copy of the charge was never handed over to her and that within the specified time schedule, explanation had been offered by the petitioner before the District Programme Officer but no receiving of the same was given to her. Since the petitioner had some doubts about her explanation being entertained, she along with her husband and Mukhiya of the concerned Gram Panchayat made an attempt to meet the District



Programme Officer, Jamui but that effort also did not bring any relief.

7. It was therefore urged before the appellate authority viz. the District Magistrate, Jamui that the cancellation of her appointment was based on no material or on material which were not borne out from the records of the case.

8. From the appellate order, it appears that the aforesaid ground of the petitioner that her show cause reply was not accepted deliberately and with malicious intention was not accepted. The appellate authority was of the view that if the statement of the petitioner were correct, she could have sent her reply through post or would have made complaint against the District Programme Officer before the superior authority. In the absence of anyone of such options having been exercised by the petitioner, it was difficult to accept the explanation given by her.

9. From the orders impugned, it appears that the proceedings against the petitioner was initiated on a public complaint of the centre not being run properly. During inspection, the centre was found closed. There is nothing on record to even hint that the CDPO or the District Programme Officer were unfavourably biased against the petitioner. It was under such circumstances, that an



explanation was sought for from her which was never offered. It appears that later an attempt was made by the petitioner to browbeat the District Programme Officer with the help of her husband and another Panchayat functionary but to no avail.

10. In any view of the matter, considering the aforesaid facts especially the unacceptable explanation of the petitioner that the show cause reply was not accepted by the District Programme Officer maliciously, there is no reason for the Court to interfere with the orders impugned.

11. There is no merit in this writ petition and the same is dismissed.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
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