

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17114 of 2015

=====

Sarita Devi @ Sarita Kumari, wife of Dilip Ram, resident of Village- Kharra,
Panchayat- Alinagar, Block- Suryagarha, Police Station- Alinagar, District-
Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Social Welfare, Govt. of Bihar, Patna.
2. The Director, Social Welfare Department, Directorate of I.C.D.C., Government of Bihar, Patna.
3. The Deputy Secretary, Social Welfare Department, Patna.
4. The District Magistrate, Lakhisarai.
5. The District Welfare Officer, Lakhisarai.
6. The Child Development Project Officer, Suryagarha, Lakhisarai.
7. Sunita Kumari, Kendra No.58, village- Bhawal Bari Gaushpur, Panchayat Bhawan, Bikrampur, P.O.- Surajgarha, District- Lakhisarai.
8. Lalmani Devi, Kendra No.71, Aganwari Kendra, Near Dinesh Mistri House, Alinagar Gram, Panchayat- Alinagar, P.S.- Surajgarha, District- Lakhisarai.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Amrit Abhijat, Advocate Mr. Manoj Kumar Gupta, Advocate
For the Respondent/s	:	Mr. Gautam Kumar Yadav, AC to GP-26

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 30-11-2018

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

In the present writ application, the petitioner is
challenging the letter no.1052 dated 14.03.2008 (Annexure-2)
whereby and whereunder her engagement to the post of
'Aanganwari Sevika' in Centre No.46 of Block-Surajgarha,
District-Lakhisarai has been disengaged/cancelled and further a
prayer has been made for setting aside the order dated 04.08.2014
contained in File No.ICDS/30020/18-2012/4346.



From the fact, it appears that the petitioner was selected and appointed as 'Aanganwari Sevika' of Centre No.46 under Alinagar Panchayat vide letter no. 112 dated 15.09.2004 issued by the Child Development Project Officer, Surajgarah, Lakhisarai (hereinafter referred to as 'CDPO'). It has been alleged that on 8.02.2008, the CDPO had visited and inspected the aforesaid Centre No.46 and found that there are deficiency in distribution of 'Take Home Rshan' and that led to disengagement of the petitioner as 'Aanganwari Sevika' and against that, the petitioner approached this Court by filing CWJC No.937 of 2009 (Annexure-7). Thereafter, this Court vide order dated 28.06.2011 directed the petitioner to appear before the Director, I.C.D.S. along with the order passed in the said case and to file show cause to satisfy the Director about the deficiency in distribution of 'Take Home Rshan' as the order was passed without giving proper notice. The petitioner in pursuance of the said order approached again to the Director, I.C.D.S. and the Director, I.C.D.S. again confirmed the earlier action vide File No. ICDS/30020/18-2012/4346 dated 04.08.2014 as having stated that the C.D.P.O. inspected the Centre and deficiency with respect to 'Take Home Rshan' was found, which is under challenge before this Court.



On the last occasion, when the learned counsel for the petitioner drawn the attention of the Court to the counter affidavit wherein the C.D.P.O. has stated that the Centre was not inspected by her nor in her presence, this Court directed the State Counsel to produce the original records and from there, it appears that the statement made by the C.D.P.O. is completely correct, but the counsel for the State tried to justify the order in the background that the Centre was inspected by the District Welfare Officer, Lakhisarai. If inspection was done by the authority then certainly he must have made an entry in the Register kept for the purpose of inspection, but that has not been produced before this Court and the order, that has been passed by the Director, is based upon the fact that the CDPO had inspected the Centre on 8.02.2008, which is completely incorrect fact.

In such a situation, the impugned orders dated 14.03.2008 and 04.08.2014 passed by Director, ICDS are set aside and the matter is remitted back to the same authority for passing the order afresh.

Learned counsel for the petitioner has pointed out that in an identical event two other 'Aanganwari Servikas' had approached in appeal before the Commissioner and the



Commissioner set aside the order passed by the Director and they are working.

This fact is also to be examined by the Director while considering the case of the petitioner.

This writ application is disposed of with the aforesaid observations.

(Shivaji Pandey, J)

V.K.Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	01.12.2018
Transmission Date	N.A.

