

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14412 of 2013

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Nilofar Khatoon Wife Of Md. Mahfooz Alam Resident Of Village- Baobhora
Dhah, P.S.- Bahadurganj, Under Bahadurganj Block, District- Kishanganj

.... Petitioner/s

Versus

1. The State Of Bihar Through The Chief Secretary Govt. Of Bihar, Patna
2. The Principal Secretary, Social Welfare Deptt. Government Of Bihar, Patna
3. The Director, I.C.D.S. Panth Bhawan, Bailey Road, Patna
4. The District Magistrate, Kishanganj
5. The District Programme Officer, Kishanganj
6. The Child Development Project Officer, Bahadurganj Block, District-
Kishanganj

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. JAWED GAFFAR KHAN, Advocate
For the Respondent/s : Mr. SANJAY KR NO.1
: Mr. Rishi Raj Sinha, SC-19
: Mr. Saurabh Kumar, AC to SC 19

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

Date: 29-01-2018

This writ petition under Article 226 of the Constitution of India has been filed by the petitioner for setting aside the order of her termination from the post of Anganwari Sevika at Centre No. 104, Taskeer Tola, Bhora Dah Panchayat, under Bahadurganj Block, Kishanganj as well as the order dated 16.05.2013 passed by the District Magistrate, Kishanganj in Appeal No. 2 of 2011 dismissing her Appeal.

Petitioner was appointed as Anganwari Sevika at



Centre No. 104 under Bahadurganj Block under District of Kishanganj and her services were terminated on the basis of inspection report dated 15.12.2010 of Child Development Project Officer, Bahadurganj Block. Petitioner was issued show cause by respondent No. 5 dated 27.12.2010 regarding inspection report in which it was found that centre was closed and THR was not distributed on 15.12.2010 as per the specific guidelines issued by ICDS. The petitioner replied to the show cause and stated the reasons for her non-presence on said date but her statement was not found satisfactory and it was found that on previous occasion also when the centre was inspected, same was closed and petitioner was not performing her duty in a proper manner and as such her services was terminated. Her appeal was also considered by the District Magistrate, Kishanganj and after giving proper opportunity and detail hearing, the appeal was dismissed.

The appointment on the post of Anganwari Sevika is just an engagement in a social welfare scheme of distribution of THR to the under privileged children between the age of six months and three years and also to pregnant women belonging to weaker and marginalized section of society and said appointments are meant to achieve those social obligations and petitioner on a number of



occasions has been found absent from centre and THR was also found not to be distributed and petitioner has not given satisfactory explanation of such lapses on her behalf as has been found by original as well as Appellate Authority.

The scheme is being monitored at State level and necessary instruction are issued to be followed at Anganwari Centre and on 06.07.2007 a letter was issued that 2nd and 4th Friday will be THR day on which day there has to be distribution of THR among beneficiaries and direction was issued for inspection on these two days of months. Petitioner's centre was closed on 15.12.2010 which was THR day without any plausible explanation. The C.D.P.O. in her report has also stated that on previous inspection also centre was closed and same has not been denied by petitioner which shows total apathy and lack of her interest to run the centre which is adversely affecting the functioning of the scheme.

Petitioner has failed to discharge her duties in responsible manner so that benefits of scheme could reach to poor and weaker section of society. It is not an employment but an engagement with objective to provide nutrition at Government expense to pregnant women and small children and any slackness lapses latches and negligence in performance of such pious duty which frustrates



the very objective of scheme cannot be overlooked ignored or condoned. There is complete lack of sincerity and devotion of petitioner towards the noble benevolent and ambitious social scheme. Both the authorities have given sufficient opportunities to the petitioner to explain her lapses in performance of her duty but not satisfactory explanation could be given by her and due consideration of her explanation authorities have found that she is guilty of violation of terms and conditions of her appointment and she could not be retained as Anganwari Sevika and terminated her engagement.

After going through the orders passed by Authorities as well as materials available on record I do not find any illegality or irregularity in the order passed by authorities, as such present writ petition is dismissed.

(S. Kumar, J)

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CAV DATE	
Uploading Date	
Transmission Date	

