

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1253 of 2017

In
Civil Writ Jurisdiction Case No.10234 of 2014

=====

Neera Kumari Wife of Sri Arun Kumar Prasad Resident of Village- Harna
Bela, P.S- Govindpur, District- Nalanda.

... .. Appellant/s

Versus

1. That State of Bihar through the Principal Secretary, Social Welfare Department, Government of Bihar, Patna.
2. The Director, ICDS, Social Welfare Department, Government of Bihar, Patna.
3. The Commissioner, Magadh Division, Gaya.
4. The Deputy Director, Welfare, Magadh Division, Gaya.
5. The District Magistrate, Gaya.
6. The District Programme Officer, Nawada.
7. The C.D.P.O., Govindpur, Nawada.

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Rakesh Kumar Shrivastava, Advocate
For the Respondent/s : Mr. Manish Kumar AC to AAG-6

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

4 27-11-2018 **I.A. No. 5764 of 2018**

This interlocutory application has been filed for
condoning the delay of 8 days in filing this Letters Patent
Appeal.

Having heard learned counsel for the parties, we are
persuaded to condone the delay, which is accordingly,
condoned.

I. A. No. 5764 of 2018 is hereby allowed.

With the consent of the parties this Letters Patent



Appeal has been taken up for consideration on merit.

Head Mr. Rakesh Kumar Srivastava learned counsel for the appellant-writ petitioner and Mr. Manish Kumar, AC to AAG-6 for the State.

Feeling aggrieved and dissatisfied by the judgment and order dated 31.07.2017 passed by learned Single Judge in C.W.J.C. No. 10234 of 2014 whereby the writ petition was dismissed, the writ petitioner as appellant is before this Court.

Facts on record of the proceedings would transpire that it is finding fault with the functioning of the appellant- writ petitioner as Anganwari Sevika of Harmabela Anganbari Centre Code No. 67 in the district of Nawada which got transpired during the course of Inspection made by the Minister Incharge that a proceeding was initiated and has resulted in the termination of the appellant- writ petitioner. The records would confirm that at the time of visit of the Minister, only 7 children were present at the center and even the *Posahar* was not being cooked nor the *Ration* was available. Mr. Srivastava tries to explain the allegation by submitting that the rest of the children were playing outside and insofar as *Ration* and cooking of *Posahar* are concerned, it is due to lack of space that the same was got prepared in the residence of Sahayika. He, thus, tries to



salvage the situation by submitting that there are no complaint from the villagers and that there is a possible explanation to the default so alleged.

Learned counsel for the State while supporting the impugned action as well as the order of learned Single Judge opposes the appeal.

We have heard learned counsel for the parties and we have perused the records. The order of the learned Single Judge is discussed on the issues which fell for consideration and it is taking note of the nature of default which are unreasonable and difficult to be condoned that the order of dismissal has been passed. Having noted that only 7 children were present at the center and neither *Posahar* was being cooked nor *Ration* was available in the premises which fault is being explained by Mr. Srivastava in reference to the explanation that the same was being prepared at the house of Sahayika, we simply reject the explanation because it is by way of a defence that such explanation is being put up and which in fact confirms the default.

For the discussions above, we are not persuaded to interfere with the judgment and order passed by the learned Single Judge to uphold the order of termination of appellant-



writ petitioner which is resting on cogent reasons. The appeal is dismissed accordingly.

(Jyoti Saran, J)

(Rajeev Ranjan Prasad, J)

avin/-

U			
---	--	--	--

