

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.305 of 2018
IN
Civil Writ Jurisdiction Case No. 14412 of 2013**

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Niloofer Khatoon @ Nilufar Khatun Wife of Md. Mahfooz Alam Resident of
Village - Baobhora Dhah, Police Station - Bahadurganj, District - Kishanganj.

.... Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Social Welfare Department, Govt. of Bihar, Patna.
3. The Director, I.C.D.S. Pant 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 Appellant/s : Mr.Sanjay Singh, Advocate

For the Respondent/s : Mr. G.P.Ojha- GA7

Mr.Gopal Krishna, AC to GA7

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

Date: 01-05-2018

Challenge in the present Letters Patent Appeal is to the judgment dated 29.01.2018 passed by the learned Writ Court in Civil Writ Jurisdiction Case No.14412 of 2013 by which the learned Writ Court has refused to interfere with the orders passed by the District Magistrate, Kishanganj, in Appeal No.2 of 2011.

The District Magistrate, Kishanganj, refused to interfere with the order of termination of the petitioner from the post of Anganwari Sewika at Center No.104, Takseer Tola, Bhoradah Panchayat under Bahadurganj Block, Kishanganj.

The learned Writ Court found that the allegation against the



petitioner was that petitioner's center was found closed on 15.12.2010 which was a date fixed for distribution of Take Home Ration (THR) to the under privileged children between the age of six months and three years and also to pregnant women belonging to weaker and marginal section of society.

Having taken note of the aims and objects behind opening of the Anganwari Centers, the learned Writ Court held that the petitioner had failed to discharge her duties in responsible manner, it was not an employment but an engagement with objective to provide nutrition at Government expense to pregnant women and the children and, therefore, any slackness or lapses in the matter of performance of such pious duty cannot be overlooked and condoned.

Learned counsel representing the appellant submits that the learned Writ Court could not appreciate that infact the Chile Development Project Officer (C.D.P.O), had in her report had wrongly stated that on previous inspection also the center was closed. On the other hand, learned counsel representing the State submits that the petitioner-appellant while discharging her duties as Anganwari Sewika cannot seek protection under Article 311 of the Constitution of India. The petitioner was served with a show cause by respondent no.5 on the basis of the inspection report in which it was found that the center was closed and THR was not distributed on 15.12.2010 as per the specific guidelines issued under Integrated Child Development Scheme (I.C.D.S.). The petitioner in her reply has only stated the reasons for her non presence on the said date but her statement was not found satisfactory and as the competent authority found that on previous occasion also when the center was inspected, the same was closed, therefore, the engagement of the petitioner has rightly been dispensed with.

Having heard learned counsel for the appellant as also the learned counsel representing the State, we find that the learned Writ Court has examined



the facts and circumstances of the case as also the materials available on record. It has been found in course of inspection that the petitioner’s center was closed and the petitioner was not performing her duties in appropriate manner, therefore, her services were terminated. She has been given proper opportunity of hearing, however, considering the aims and objects of the scheme, in our considered opinion, a strict view is required to be taken against such Anganwari Centers which are found to be closed and in this case if a strict action has been taken based on the inspection report, we find no reason to interfere with the impugned orders as also the judgment of the learned Writ Court impugned in the present appeal.

This Letters Patent Appeal has no merit, it is, accordingly, dismissed.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

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AFR/NAFR	NAFR
CAV DATE	N/A
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