

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1051 of 2019

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1. Vidyawati Kumari, Wife of Jyotish Kumar, Resident of Mohalla- New Colony, Pakri, Police Station – Ara Nawada, District – Bhojpur.
2. Mumtaz, Wife of Md. Rizwan Ahmad, C/O Dr. Allauddin, Resident of Village – Pakri, Police Station – Ara Nawada, District – Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through its Secretary, Department of Social Welfare, Government of Bihar, Patna.
2. The District Magistrate, Bhojpur at Ara.
3. The District Programme Officer, Bhojpur at Ara.
4. The Child Development Project Officer, Ara Sadar, Bhojpur at Ara.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rahul Nath, Advocate.
For the Respondent/s : Mr. Md.Raisul Haque -Sc10

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 14-02-2019

Heard the learned counsel for the petitioners and the State.

2. The petitioners have approached this Court with an unusual prayer of their reinstatement on the post of Aanganwari Sewika from where they were removed because of irregularities committed by them, by order dated 11.10.2011.

3. Learned counsel for the petitioners submits that with respect to some of the irregularities committed by Aanganwari Sewikas at some of the centres, FIR was registered in which the petitioners also were made accused. Later, the petitioners were



acquitted of the aforesaid charges for paucity of any positive evidence. Strengthened by the aforesaid acquittal in a criminal case which was not the basis of removal of the petitioner from the post of Aanganwari Sewika in the year 2011, the petitioners have approached this Court for a direction to the respondents authorities for their reinstatement.

4. The prayer of the petitioners is not acceptable for the aforesaid reasons; (i) the removal of the petitioners in the year 2011 was not on the ground of their involvement in any criminal case but only on finding that there were irregularities which were found to have been committed by the petitioners, (ii) the petitioners never challenged the aforesaid order of removal in the year 2011 or thereafter, (iii) since the implication of the petitioners in a criminal case was not the basis for removal of the petitioners from service, an acquittal and that also for paucity of evidence in such criminal case would be no ground for directing the respondent authorities to reinstate the petitioners on the post of Aanganwari Sewika and lastly such provision is not available in case of contractual employment of Aanganwari Sewikas/ Aanganwari



Sahayikas which is governed by the rules made in that regard.

5. For the aforesaid reasons, there is no merit in this petition and the same is thus dismissed.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
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