

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3987 of 2019

=====

Usha Devi, aged about 33 years, Gender-Female, W/o Bihari Lal Sahu, Vill.-
Kathra, P.O.- Kathra, P.S.- Manigachi, Distt.- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through its Secretary, Social Welfare Department, New Secretariat, Patna.
2. The Director, Social Welfare Department, New Secretariat, Patna.
3. The District Magistrate, Darbhanga.
4. The District Program Officer, Darbhanga.
5. The Child Development Officer, Tardih, Darbhanga.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar, Adv.
For the Respondent/s : Ms. Neelam Kumari, AC to SC-3

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 07-05-2019

The petitioner has challenged the order dated 18.12.2018, contained in Memo No. 2548, issued under the signature of District Programme Officer, Darbhanga, who, after verifying the records, has found that the petitioner has unauthorizedly been running the Anganbari Centre from Ward No. 7, though she had to run it from Ward No. 6.



2. The aforesaid order dated 18.12.2018 has been passed on a complaint by one Rajeev Kumar Jha, who was later substituted by one Rama Shankar Jha, that deliberately the Anganbari Centre was unauthorizedly being run by the petitioner in Ward No. 7 for the purposes of deflecting the process of selection in Ward No. 6. Finding such allegation to be true, the District Programme Officer, Darbhanga directed the petitioner to start functioning from Ward No. 6 or else disciplinary action shall be taken against her. In the meanwhile, the District Programme Officer has also directed for initiation of selection process for Ward No. 6.

3. The petitioner is aggrieved by the aforesaid order of the District Programme Officer, Darbhanga for several reasons; one being that right from 2017, the Centre was being run in Ward No. 7 and not Ward No. 6. Without properly verifying the facts, it has been alleged, the District Programme Officer has passed such an order.

4. It would not be open for the petitioner to make such grievance as no evidence was produced by the



petitioner before the District Programme Officer, Darbhanga, in support of her claim that she had actually been asked to run the Centre from Ward No. 7. In the absence of the petitioner producing necessary documents before the District Programme Officer, Darbhanga, the order appears to have been passed on the basis of available record.

5. This Court *prima facie* does not find any fault with the order dated 18.12.2018.

6. However, if the petitioner is aggrieved by the aforesaid order, she has the forum of appeal before the District Magistrate, Darbhanga.

6. Under the aforesaid circumstances, it is directed that if any appeal is filed by the petitioner before the District Magistrate, Darbhanga, against the order of the District Programme Officer, Darbhanga, within a period of two weeks from today, the same shall be disposed off after giving a hearing to the petitioner and other stakeholders/necessary parties, without at all being influenced by the present order, within a further period of four weeks thereafter.



7. With the aforesaid observation/direction, the writ petition stands disposed off.

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	08.05.2019
Transmission Date	N/A

