

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2245 of 2016

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1. Srimati Manorma Devi and Anr Wife of Ram Bilash Paswan
 2. Srimati Sunita Devi Wife of Gopal Paswan Both Resident of Village-Sahradat Dakshin P.S. K Nagar, Purnea, District Purnia.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Director of Human Resources Development Department Govt. of Bihar, Patna.
3. The Secretary Human Resources Department , Patna Bailey Road, Patna.
4. The C.D.P.O. of 87 Centre Purnia.
5. The District Programme Officer, 87 Centre Purnia Vikash Bhawa, Purnia.
6. The District Education officer, Purnia.
7. The Mukhiya Saharsa Panchayat Umesh Sah, Purnia.
8. The Head Master Primary School 87 Centre Purnia.
9. The District Magistrate Purnia.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Binay Kumar Sinha-1, Advocate
For the Respondent/s	:	Mr. Rajiv Roy, GP 1
		Mr. Suresh Kumar, AC to GP 1

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 31-01-2019

Heard learned counsel for the petitioners and the State.

Petitioners have challenged the order dated 16.10.2013 issued by the District Magistrate, Purnea rejecting the appeal against the order dated 29.03.2012 issued by the District Programme officer, Purnea.

The petitioners who were Anganbari Sevika and Sahayaka of center no. 87, Sahara Dakshin Panchayat were removed/their selection were cancelled on the grounds of irregularity committed in running the center in question. The center was found close on 25.08.2009, 09.01.2010 and



21.01.2012. The Takehome Ration was not being distributed at the center in question. After following the procedure and affording due opportunity, the District Programme Officer has cancelled the selection of the petitioners by order dated 29.03.2012 which has been placed on record by the respondent State in the counter affidavit. One Meera Kumari has also been appointed as Sevika in the center in question in place of one of the petitioners. The petitioners have neither challenged the order of the District Programme Officer nor challenged the selection of Meera Kumari in her place. The writ petition has been filed merely assailing the order passed by the Appellate Authority. The manner in which the writ petition has been filed is very surprising in as much as neither the initial order of the District Programme Officer cancelling the petitioners' selection has been challenged nor has the selection of Meera Kumar been assailed in the instant proceedings. Apart from that this Court would find that the petitioners' selection has been cancelled after affording them opportunity and after following the procedure prescribed under the guidelines by the competent authority. The petitioner has tried to explain some of the lapses by raising a plea based on inherent admission that due to harsh winter circumstances she was not capable ensuring attendance of sufficient number of



children at the center in question.

No ground has been made out for interfering with the order passed by the Appellate Authority rejecting the petitioners’ appeal dated 16.10.2013.

Writ petition is devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

Prakash/-

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CAV DATE	
Uploading Date	
Transmission Date	

