

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No. 3599 of 2016**

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Pramila Devi Wife of Jawahar Prasad, Resident of Village - Bhaura, P.S.  
Block - Simari Bhakhtiarpur, District - Saharsa.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Commissioner, Koshi Division, at Saharsa, District - Saharsa.
3. The Deputy Director, Welfare Koshi, Division, Saharsa, District - Saharsa
4. The Collector, District - Saharsa.
5. The District Programme Officer, District - Saharsa.
6. The Child Development Programme Officer, Simri, Bakhtiarpur, District - Saharsa.
7. Ladies Supervisor, Simri, Bakhtiarpur, District - Saharsa.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Shailendra Kumar Dwivedi  
For the Respondent/s : Mr.Sc7-Mithilesh Kumar Pathak

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**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

4      02-05-2019                      Heard counsel for the petitioner and counsel for the  
respondent-State.

The petitioner is aggrieved by cancellation of her selection as Anganbadi Sevika for the Centre in question. The termination is on account of two inspections conducted at the Centre on 26.06.2012 and 29.09.2012 by the lady Supervisor; and third inspection on 12.09.2012 by the C.D.P.O., Saharsa.

The counsel for the petitioner submits that the order of the District Programme Officer is unsustainable in law. The same is without any reason and considering pleas raised by the



petitioner in support of his defence. The petitioner further submits that no beneficiaries have complained against the petitioner and therefore the order is unsustainable.

The respondents have filed counter affidavit, it is their specific stand that the petitioner was afforded opportunity in accordance with law to submit a response in view of the irregularities detected in the course of inspection conducted on the three days. The reply of the petitioner has been considered and in view of the irregularities, petitioner has rightly been removed. It is submitted by the respondents that one Madhu Kumari, in the mean time was selected as Anganbari Sewika for the Centre in question. The selection letter of Madhu Kumari is Annexure-P to the counter affidavit filed by the respondents. The order of the District Programme Officer dated 10.06.2013 has taken note of defence of the petitioner in respect of the three days. From bare perusal of the defence of the petitioner which has been taken note of at the bottom of the first page of the order passed by the District Programme Officer, this court would find that it is apparent that the petitioner had admitted to absence of children, and that there were very few children on some of the dates. However, he has sought to justify the same by alleging that on the first day of inspection, there was



religious festival, on the second day of inspection Anganwari Sewika was on leave and on the third day of inspection the petitioner was ill. The said submission of the petitioner are not supported by any document. The grounds raised by the petitioner have an inherent admission regarding the shortcoming at the time of inspection and are not tenable. The petitioner has also not made newly selected Anagbari Sewika as a party respondent and therefore no relief can be granted against her in these proceedings.

Writ petition is dismissed.

**(Madhuresh Prasad, J)**

abhijeet/-

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