

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5594 of 2019

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Rinku Kumari, W/o Awadhesh Kumar Singh Res. of Vill.- Jugal Tola, Ward
No. 10, P.S.- Chauri Distt.- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Bihar Patna.
2. The District Magistrate Bhojpur at Arrah.
3. The District Programme Officer I.C.D.S, Bhojpur at Arrah.
4. The Public Grievance Redressal Officer Bhojpur at Ara.
5. The Child Development Project officer Sahar, Bhojpur, Distt- Bhojpur.
6. Rinku Devi W/o Vir Kashi Singh Res. of Vill.- Jugal Tola, Panchayat Amruha, Block- Sahar, Distt.- Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rama Kant Singh
For the Respondent/s : Smt. Kumari Amrita (GP-3)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT
Date : 16-04-2019

A counter affidavit has been filed during the course of argument.

2. Let it be taken on record.

3. Heard the learned counsel for the petitioner and the State.

4. The petitioner is aggrieved by the decision of the C.D.P.O., ICDS, Sahar in the district of Bhojpur dated 15.01.2019, whereby the petitioner's appointment on the post of Anganwari Sevika at the centre has been cancelled only on



the basis of a certificate, which was annexed with the form of the petitioner, and which was found by the Sanskrit Shiksha Board to be fake and not genuine.

5. It is the case of the petitioner that she is a matriculate and has a degree of Bihar School Examination Board. The petitioner was surprised to learn that with her application form, certificate of Sanskrit Shiksha Board, showing the petitioner to have passed the "*Madhyama*" examination, has been annexed. The petitioner claims that she has no idea as to how that certificate crept into the form of the petitioner.

6. The learned counsel for the petitioner further submits that showing extreme haste in the matter, the C.D.P.O. has not only cancelled the appointment of the petitioner but has also chosen to lodge an F.I.R. against her vide Chouri P. S. Case No. 5 of 2019 dated 14.01.2019 for the offences under Sections 420, 467, 468 and 471 of the Indian Penal Code.

7. The challenge in the present writ petition is also on the ground that on the complaint of private-respondent no. 6, who incidentally also has the same name as that of the



petitioner, the District Programme Officer, Bhojpur at Arrah had summoned the petitioner and C.D.P.O., Sahar, Bhojpur, to present themselves with the records of the case for an effective disposal of the complaint filed by the private-respondent no. 6.

8. Though the aforesaid notice was issued two days after the decision of the C.D.P.O. cancelling the appointment of the petitioner which the C.D.P.O. was not entitled to do, instead of having the records placed before the District Programme Officer to look into the matter, an F.I.R. has been lodged hurriedly.

9. Learned counsel for the petitioner submits that such approach of the C.D.P.O. merely reflects that the decision has been taken in haste and perhaps in a vindictive manner. The explanation which has been offered by the petitioner before the District Programme Officer on notice to her remained completely unanswered/unattended. The entire proceeding with respect to the irregularity in the appointment of the petitioner, if at all it was, has been hijacked by the



action of the C.D.P.O., Sahar, Bhojpur at Arrah in cancelling the appointment and lodging the F.I.R. against the petitioner.

10. In any view of the matter, the District Programme Officer, Bhojpur at Arrah did not have any occasion to decide the issue whether the appointment of the petitioner was correct and in consonance with the rules framed for the aforesaid.

11. Under the aforesaid circumstances, this Court directs the District Programme Officer, Bhojpur at Arrah to conclude the proceeding which was initiated by him and pass a reasoned order in accordance with law within a period of eight weeks from today, notwithstanding the existence of the F.I.R. lodged by the C.D.P.O.

12. Needless to state that in the proceeding so initiated before the District Programme Officer, no order shall be passed without hearing the parties concerned, who would be the petitioner, the C.D.P.O., the private-respondent no. 6 and other stake-holders, whoever they are.

13. For the District Programme Officer, Bhojpur at Arrah to revive the proceeding, the petitioner would file an



application before him annexing a copy of this order within a period of two weeks from today.

14. If the petitioner feels aggrieved by the order of the District Programme Officer, Bhojpur at Arrah, she would have the opportunity of agitating her point of view before the District Magistrate, Bhojpur at Arrah.

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

(Ashutosh Kumar, J)

skm/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	18.04.2019
Transmission Date	

