

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4424 of 2016

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Smt. Manorma Devi Wife of Mahesh Rai Resident of Chitragupta Samaj
Naharpar, P.S. Phulwarisharif, District - Patna

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Director I.C.D.S., Social Welfare Department, Government of Bihar, Patna
3. The Assistant Director I.C.D.S., Social and Welfare Department, Government of Bihar, Patna
4. The District Magistrate, Patna
5. The District Programme officer, Patna
6. The Child Development Project officer, C.D.P.O. , Phulwarisharif, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shambhu Sharan Singh
For the Respondent/s : Mr.Rohit Das, Ac to AAG 10

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 16-05-2019 Heard counsel for the petitioner and counsel for the respondents-State.

Petitioner being Anganbari sevika has been removed on account of irregularities detected at the center when center in question was inspected by the authorities on 01.10.2011. Petitioner's selection as Anganbari sevika was cancelled by the order of the District Programme Officer, Patna. Appeal of the petitioner was rejected by the District Magistrate, Patna on 05.04.2013. Writ petition has been filed much thereafter i.e. in the month of March, 2016.



Counsel for the petitioner submits that in view of guidelines issued by I.C.D.S, Directorate, Social Welfare department dated 20.06.2012 prescription of different kind of punishment in respect of different allegations should have been extended to the petitioner. Extreme punishment of removal or cancellation is unsustainable on account of guidelines dated 20.06.2012.

Respondent-authorities have rightly pointed out that the petitioner cannot be extended punishment as per guidelines dated 20.06.2012, which has come into force much after the inspection dated 01.10.2011.

Irregularities were detected in an inspection much prior to coming into force the said guideline, order of the District Programme Officer based on the irregularities detected at Anganbari center was dated 01.10.2011. Petitioner therefore, was not in a position to claim any benefit under the guideline which came much later on 20.06.2012. Even before appellate authority (District Magistrate) petitioner has not claimed any benefit under guidelines dated 20.06.2012. Apart from that this court also observes that writ petition has been filed three years after rejection of the petitioner's appeal and no sufficient cause has been shown for such delay. Jurisdiction under Article 226 of



the Constitution does not contemplate such conduct from the petitioner in approaching this court casually and after unexplained delay on his own sweet will.

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

(Madhuresh Prasad, J)

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