

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14058 of 2014

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Meena Kumari wife of Sri Dharmendra Singh resident of village - Sahnuaara,
P.S. Pandarak in the District of Patna

... .. Petitioner

Versus

1. The State Of Bihar through Principal Secretary, Social Welfare Department,
Govt. of Bihar Patna
2. The Divisional Commissioner, Patna Division, Patna
3. The Director, I.C.D.S., Bihar, Patna
4. The District Programme Officer, Patna
5. The District Magistrate, Patna
6. The C.D.P.O., Pandarak, Patna

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar
For the Respondent/s : Mr. Rakesh Kumar Srivastava, AC to GP 15

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 06-08-2019 Heard learned Counsel for the petitioner and the

learned Counsel for the respondent State.

The petitioner was Anganwari Sevika at Center No.
38 Purbi Tola, Shanaura at Pandarak in the district of Barh.
Petitioner's selection has been cancelled on account of certain
irregularities which were observed on 22.9.2012, 23.9.2012 and
on account of non preparation of *Khichri* on 29.9.2012 at the
center in question.

The petitioner is an agent of the government
disseminating welfare measures under the scheme. She is not a
government servant and therefore cannot claim protection as a



government servant.

Having regard to the social circumstances, which are integral to dissemination of welfare measures at the village level the mitigating circumstances raised by the petitioner regarding death of her father on 22.9.2012 based on death certificate was required to be considered by the appellate authority when the matter was remanded pursuant to the order passed on the earlier writ petition of the petitioner bearing CWJC No. 326 of 2014. The order, however, shows total non consideration of the said fact. The appellate authority has found the petitioner to be liable for dereliction without even considering the death certificate submitted by the petitioner and the fact that the legal customs prevented the petitioner from preparing *Khichri* on the date alleged, the order has been passed by the appellate authority. The matter was required to be considered in the light of mitigating circumstances which the petitioner has raised.

In the circumstances, on account of such infirmity the order dated 21.5.2014 issued by the Deputy Director, Welfare, Patna Division, Patna is quashed. The matter is remanded to the Divisional Commissioner, Patna, the current appellate authority under the guidelines, to consider the appeal having regard to the mitigating circumstances raised by the petitioner and to pass an



order in accordance with law by assigning reasons. The order should be passed after due notice and opportunity of hearing to the new incumbent, if someone else has been selected as Sevika for the center in question in the meantime. Let claim of the petitioner be considered expeditiously and without undue delay.

The writ petition stands allowed to the aforesaid extent.

(Madhuresh Prasad, J)

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