

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11657 of 2014

Indu Kumari wife of Arun Kumar Resident of village Sonbarsa Panchayat -
Bajarkar, PO. Bhadeya, PS. Barachatt, Distt. Gaya ... **Petitioner**

Versus

1. The State Of Bihar through Principal Secretary, Social Welfare Department,
Government of Bihar, Patna
2. Deputy Director, Welfare, Magadh Division, Gaya.
3. District Magistrate, Gaya.
4. District Programme Officer, Gaya.
5. Child Development Project Officer, Barachatti, Gaya ... **Respondents**

Appearance :

For the Petitioner	:	Mr. Nikhilesh Kumar, Advocate and Mr. Binod Kr. Sinha, Advocate
For the Respondents	:	Mr. Md. Raisul Haque, SC 10 and Mr. Md. Obaidullah, AC to SC 10

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 18-02-2019 Heard learned counsel for the petitioner as well as
learned counsel for the State.

It is submitted by petitioner's counsel that the order of the District Programme Officer, Gaya (respondent no.4) dated 29.6.2013 and order of the Deputy Director, Welfare, Magadh Division, Gaya (respondent no.2) passed in Anganbari Service Appeal No. 14 of 2013 dated 27.3.2014, are not sustainable inasmuch as on account of her one day's absence from the Anganbari Center, petitioner has been visited with the extreme penalty of her selection being cancelled.

This Court has gone through the two orders. Petitioner has taken a plea of being ill on the date of inspection being 21.3.2013. Medical certificate dated 24.3.2013 was submitted for the first time by the petitioner in appeal. No such certificate or proof of illness was produced before the District Programme Officer, Gaya. The certificate shows that the petitioner was undergoing treatment from 21.3.2013 to 24.3.2013. The



Appellate Authority has taken into consideration one Passbook which has been produced in the proceeding to show that on 22.3.2013 Rs.10,600/- was withdrawn by the petitioner from the bank which was the amount made available for purchasing *Poshahar*. There is dichotomy in the stand taken by the petitioner. On the one hand, she submits that she was ill and unable to attend the Anganbari Center in between 21.3.2013 to 24.3.2013 and on the other hand she herself produces a Passbook showing that she has withdrawn money from the bank herself on 22.3.2013.

Enquiry report shows that the petitioner was habitual of dereliction in duty. The authorities after due consideration of the materials and after affording her adequate opportunity have passed the orders impugned in the writ petition, the same does not require any interference.

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

(Madhuresh Prasad, J)

Shashi

U			
---	--	--	--

