

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12092 of 2014

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Daya Devi W/o Shree Dip Narayan Biswan, resident of village- Sonbarsa Raj,
Police Station- Sonbarsa Raj, District- Saharsa

... .. Petitioner

Versus

1. The State Of Bihar through the Chief Secretary, Old Secretariat, Bihar Patna
2. The Principal Secretary, Social Welfare Department, Govt. of Bihar, Patna
3. The Director, I.C.D.S., Directorate, Bihar, Patna
4. The Assistant Director, I.C.D.S., Directorate, Bihar, Patna
5. The Deputy Director, Welfare, Koshi Division, Saharsa
6. The Commissioner, Koshi Division, Saharsa
7. The District Magistrate, Saharsa
8. The Regional Development Officer, Koshi Division, Saharsa
9. The District Programme officer, I.C.D.S. Office Collectorate, Saharsa
10. The Child Development Project Officer, Sonbarsa Raj, District- Saharsa

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Amarnath Jha
For the Respondent/s : Mr. S.S.P. Yadav, SC 14

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 13-05-2019 Specific case made out by the petitioner in the instant proceeding is that Anganwari Center was inspected by the ICDS team on 9.4.2013, wherein various irregularities were found. The recommendation made in the inspection report dated 13.5.2013 was that selection of Sevika as well as Sahaika be cancelled. The petitioner being Sahaika was issued a notice pursuant to the said inspection and report.

The grievance of the petitioner is that being Sahaika, the petitioner has been visited with extreme punishment of



cancellation of her selection, whereas in respect of Sevika of the centre in question the authorities have taken a decision to exonerate the Sevika of all the charges with a warning.

Counsel for the petitioner submits that such discrimination in the matter of grant of punishment is grossly illegal and unsustainable. The Sevika, if not more, was not having any less responsibility in the affairs of the center in question than that which the petitioner was to discharge being a Sahaika. Since the Sevika has been exonerated from the charges arising out of the same findings in the inspection dated 9.4.2013 it was not open to the authorities to take a diagonally opposite decision in the case of the petitioner who was a Sahaika.

This aspect of the matter has not been considered by the authorities while passing the order concerned. The matter is therefore remanded to the Regional Development Officer, Koshi Division, Saharsa to take a decision having regard to the said complaint of the petitioner, with reference to the responsibility assigned to the Sevika and the Sahaiya under the relevant guidelines.

Let final decision be taken by respondent No. 8 after hearing the parties concerned in accordance with law by a reasoned and speaking order within a period of three months



from the date of receipt/production of a copy of this order.

The writ application stands disposed.

(Madhuresh Prasad, J)

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