

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13771 of 2014

=====

Manju Devi Wife of Shrawan Manjhi R/o Mamarkhabad Mushar Toli,
Anganbari Centre Code- 09, Pandarak, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The District Collector, Patna.
3. The District Programme Officer, Patna.
4. Child Development Officer Pandarak.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Anant Kumar Pandey
For the Respondent/s : Mr.Anirban Kundu, SC 24

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

3 06-08-2019 Heard counsel for the petitioner and counsel for the
respondents-State.

Petitioner's selection as Anganbari Sevika for the
center at Mamarkhabad Musahar Toli North bearing Code no.
09 has been cancelled.

Petitioner has moved before the District Programme
Officer against cancellation of selection and also gone in appeal
before the District Magistrate, Patna. Authorities have rejected
petitioner's case. Petitioner seeks quashing of order dated
17.05.2013 passed by the District Magistrate, Patna in
Anganbari Appeal case no.139/2012 as well as order dated
28.08.2012 passed by the District Programme Officer, Patna in
Anganbari Case no. 375/2012.



Center in question was inspected on 04.02.2012 and on 07.02.2012. Various irregularities were found at the time of inspection. Center was found closed. Savika was absent. Register was not maintained and nutrition was also less than what was required. General hygiene was also found lacking in the inspection.

In view of various irregularities at the time of inspection including presence of insufficient children at the center, petitioner was served show cause. Show cause is marked as Annexure E to the counter affidavit. Petitioner has not given any response to the said show cause but in response to show cause, petitioner appeared before the District Programme Officer and denied the allegation.

Nature of the irregularities found at the time of inspection coupled with the fact that the petitioner has not chosen to respond the show cause is itself a ground to cancel her engagement as Anganbari sevika.

Conduct of the petitioner does not inspire confidence so as to invoke jurisdiction of this court under Article 226 of the Constitution of India. Petitioner was also allowed opportunity by the respondent to respond the show cause which she had chosen not to file. Petitioner was afforded opportunity and she



chose not to avail opportunity. In such event, plea of natural justice is deemed to have been waived and she is estopped from raising the question of non-compliance with principles of natural justice.

In this connection, this Court would refer to the decision of the Apex Court in the case of Board of Directors, Himachal Pradesh Transport Corporation & another vs. K.C. Rahi reported in (2008) 11 SCC 502.

Writ petition is dismissed.

(Madhuresh Prasad, J)

s.hassan/-

U			
---	--	--	--

