

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13607 of 2014

Geeta Devi Wife of Late Ramanand Sharma Resident of Satsang Nagar,
Baigna, Ward No. 24, P.S. Katihar, District- Katihar.

... .. Petitioner

Versus

1. The State Of Bihar
2. The District Magistrate, Katihar.
3. The District Programme Office, Purnea
4. The Child Development Project Officer, Sheikhpura.
5. The Divisional Commissioner, Purnea
6. The Director, ICDS, Directorate Social Welfare Department, Govt. of Bihar,Purnea

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey
For the Respondent/s : Mr. S.Rahman, AC to GP 24

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 29-04-2019 Heard learned Counsel for the petitioner and the
learned Counsel for the respondent State.

Counsel for the petitioner submits that on the date of inspection the admitted position is that ten children were actually found at the center, though the issue as regards number of registered children at the center is disputed between the parties.

The petitioner was Sevika at the center. It is submitted that in view of the fact that the inspection found ten children present, the petitioner's obligation was only to ensure that as per the extant guideline only 900 grams of *Khichri* was required to be prepared at the center. Admittedly 1.200 Kilograms *khichri*



had been found at the center in question. Thus, relying upon the decision of the ICDS Directorate dated 20.6.2012, he submits that for the same the punishment of cancellation of selection of the petitioner was unsustainable.

This Court would find that apart from the shortage in the *poshahar* at the centre, the authorities have also found that some children were absent from the center at the time of inspection.

Counsel for the petitioner has submitted that in so far as the absence of children is concerned, there is no specific provision prescribing punishment on account of absence of seven-eight children at the center as alleged in the instant case. Counsel for the petitioner submits that in the circumstances having regard to the provisions contained in the decision dated 20.6.2012 of the ICDS Directorate the punishment of removal/cancellation of selection of the petitioner is highly disproportionate and unsustainable.

As regards the said issue, which involves disputed facts, this Court would permit the petitioner's Counsel to file a fresh application for consideration having regard to the relevant Rules before the Appellate Authority. The petitioner would be at liberty to avail of such remedy before the Appellate Authority,



which is required to be considered in accordance with law.

The writ petition is disposed of.

(Madhuresh Prasad, J)

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