

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12752 of 2014

Subhadra Kumari Wife of Naresh Prasad resident of Village- Atwal Bigha,
P.S.- Tharthari, District- Nalanda.

... .. Petitioner

Versus

1. The State Of Bihar through the Secretary, Social Welfare Development, Government of Bihar, Patna
2. The Director, ICDS, Development of Social Welfare, Government of Bihar, Patna.
3. The Deputy Director Welfare, Patna Division, Patna.
4. The District Magistrate, Nalanda.
5. The District Programme Officer, Nalanda.
6. The Child Development Project Officer, Tharthari, Nalanda.
7. The Woman Supervisor, Child Development Project Officer, Tharthari, Nalanda.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Siya Ram Shahi
		Mr. Manoj Kumar
For the Respondent/s	:	Mr.Sc15- Ajit Pratap Singh

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 17-06-2019 Heard Mr. Siya Ram Shahi, Counsel for the petitioner,
as well as Counsel for the State.

The facts lie in an admitted narrow compass that the petitioner was implicated in a criminal case arising out of Tharthari PS Case No. 60 of 2013. The offences alleged were under Sections 147, 148, 149, 302, 307 IPC and Section 27 of the Arms Act. On account of her implication in the criminal case, the petitioner was on the run since 8.10.2013. The matter was taken up by the District Programme Officer as the social



welfare objectives of the center in question, where the petitioner was serving as Anganwari Sevika, was frustrated on account of her continued absence. Taking notice of the circumstances of the petitioner's continuous absence and implication in the said case, the District Programme Officer on 26.2.2014 cancelled petitioner's selection as Anganwari Sevika for the center in question namely Anganwari Center No. 62 at Atwal Bigha in the district of Nalanda.

Mr. Shahi, appearing for the petitioner, submits that the petitioner has since been acquitted in the criminal case and has brought this fact to the notice of the authorities by Annexure 20. Petitioner's acquittal in the criminal case is in the year 2018 roughly after a period of five years. It is submitted that since selection has been done in the meanwhile, subject to result of the pending proceedings at the instance of the petitioner, the authorities should be directed to reconsider the issue having regard to acquittal of the petitioner dated 28.4.2018.

Counsel for the State, on the other hand, submits that the subsequent acquittal of the petitioner cannot be made the basis of any benefit as removal of the petitioner was on admitted grounds of absence for long period due to implication in the criminal proceeding.



Having regard to the rival submissions and the admitted facts, this Court would observe that there is no infirmity in the order passed by the District Programme Officer dated 26.2.2014 as well as the Deputy Director Welfare dated 3.5.2014 on the appeal filed by the petitioner. Removal of the petitioner was on valid grounds and after observing the procedure prescribed in the guidelines. The selection which has been made in the meantime, even if subject to the result of the proceedings pending at the instance of the petitioner, will not create a right in the petitioner to have cancellation of her selection reconsidered on ground of the subsequent fact of acquittal in the year 2018. Such Acquittal does not invalidate the order passed by the District Programme Officer dated 26.2.2014 or the Deputy Director Welfare dated 3.5.2014.

The orders passed by the authorities were on the basis of facts as they stood when the order was passed and therefore require no interference. Since the orders are not bad on any ground this Court would observe that subsequent acquittal of the petitioner in appeal in 2018 could not give any right to reconsideration of cancellation of petitioner's selection.

It is another fact that petitioner on account of her acquittal is free from any stigma on the basis of her implication



in the criminal case and would be legally entitled to consideration of her case for appointment /selection upon its own merit in any subsequent proceeding for selection.

The writ petition is dismissed.

(Madhuresh Prasad, J)

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