

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14028 of 2014

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Kusum Devi W/o Gajendra Kumar Sah R/o village - Kusha, P.S. Bhawanipur,
District - Purnia

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Department of Social Welfare, Bihar, Patna
3. The Divisional Commissioner, Purnia
4. The District Magistrate, Purnia, District - Purnia
5. The District Programme Officer, Purnia, District - Purnia
6. The Child Development Programme Officer, Bhawanipur, Purnia, District - Purnia

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Mirtunjay Kumar
For the Respondent/s : Mr.Ramadhar Singh, GP 25

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 13-08-2019 Heard counsel for the petitioner and counsel for the respondents-State.

Petitioner has sought quashing of the order dated 16.11.2011 issued by the District Programme Officer directing that the petitioner's selection as Anganbari sevika for center no. 84 Rahmat Nagar in the district of Purnea was cancelled. The order of the District Magistrate is dated 31.12.2013 whereby appeal of the petitioner has been rejected by the District Magistrate and is also challenged in the instant proceedings.

Petitioner had earlier filed CWJC no. 21819/2012. In the said proceedings, order passed by the District Magistrate



earlier in appeal was set aside and the matter was remitted to the District Magistrate, Purnea for passing afresh order after making available copy of the enquiry report of senior Deputy Collector, Purnea. It is after making available enquiry report, District Magistrate has now passed order dated 31.12.2013 which is also an order impugned in the instant proceedings.

It is submitted by counsel for the petitioner that alleged inspection was conducted on 17.09.2011. Petitioner was undergoing treatment and doctor advised her to take rest from 16.09.2011 to 19.09.2011. The fact of illness of the petitioner has not been considered by the authorities and order cancelling her selection has been passed. It is also submitted that at best, allegation was absence of one day, for which extreme penalty of cancellation of petitioner's selection is grossly excessive and disproportionate.

State counsel, on the other hand, submits that at the time of inspection, center was found closed. Local people including CDPO had stated that center was running irregularly and nutrition was also not being distributed properly.

Petitioner's response to show cause is admitted that she was absent on the very day of inspection and she alleged that she was absent for which she had submitted prescription of



one doctor in support of her stand. The stand regarding her illness prima facie appears to be afterthought. Knowingly fully well that she would be absent for four days, she had not brought this fact to the notice of authority to ensure that welfare measure should continue at the center without any interruption.

In the opinion of this court, facts are glaring. An afterthought cannot be made the basis of giving any relief to the petitioner. Even if she was ill and away from center for four days, she should have brought this fact to notice of the authority to ensure welfare measure to continue at the center without any interruption. Conduct of the petitioner does not inspire confidence so as to invoke jurisdiction of this court under Article 226 of the Constitution of India. This court does not find any reason to interfere with the detailed order passed by the respondent-authorities.

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

(Madhuresh Prasad, J)

s.hassan/-

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