

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12721 of 2014

Abha Devi Wife of Sri Bachaneshwar Yadav Resident of Village and Post
Tharbitta, Gram Panchayat- Shivpuri, Block- Kisajnpur, District- Supaul.

... .. Petitioner

Versus

1. The State Of Bihar
2. The Commissioner Koshi Range Saharsa.
3. The Regional Development Officer, Koshi Range, Saharsa.
4. The District Magistrate, Supaul.
5. The District Program Officer, Supaul.
6. The District Welfare Officer, Supaul.
7. The Child Development Project Officer, Block- Kisanpur, District- Supaul.

... .. Respondents

Appearance :

For the Petitioner	:	Mr.Satish Kumar Singh Mr. Dinesh Maharaj
For the Respondents	:	Mr.Shiv Kumar, AC to GA 3

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 13-08-2019 Heard learned Counsel for the petitioner and the
learned Counsel for the respondent State.

Petitioner has assailed order dated 31.5.2013 issued
by the District Programme Officer, Supaul, whereby and
whereunder direction has been issued to cancel selection of the
petitioner as Anganwari Sevika. The order is based on two
inspection reports dated 18.1.2013 and 18.10.2012. The center
was found closed on 18.1.2013 and on 18.10.2012 number of
children present at the center was only seventeen and twenty-
three children are said to have been found absent on 18.10.2012



at the petitioner's center.

Counsel for the petitioner has drawn attention of the court towards Annexure 4, i.e. inspection report for the inspection dated 18.1.2013. He submits that the inspection was conducted by the same authority (District Programme Officer) who has passed order dated 31.5.2013. Submission is that District Programme Officer, who has issued the order based on allegations made by himself, as the inspecting officer in respect of inspection dated 18.1.2013. The order of the District Programme Officer dated 31.5.2013 however is also in respect of another inspection which is prior to 18.1.2013 i.e. on 18.10.2012 when children are said to have been found absent.

The petitioner in his reply to the counter affidavit has further placed on record earlier notified schedule for vaccination dated 17.1.2013 to submit that on account of said vaccination schedule the center was closed on 18.1.2013.

This is an issue which the petitioner has not raised before the District Programme Officer or before the Deputy Director Welfare in her appeal which has been rejected on 2.5.2014 which is also impugned in the instant proceeding.

In view of the aforesaid circumstances, this Court would consider it appropriate that the current appellate authority



namely Divisional Commissioner (respondent No. 2) should reconsider the issue having regard to vaccination schedule which has been placed on record in the instant proceeding by way of rejoinder. The petitioner should appear before the current appellate authority within a period of four weeks to facilitate consideration of the said schedule of vaccination. Otherwise the order passed by the District Programme Officer has been considered in detail by the Deputy Director Welfare and therefore this Court would consider that interest of justice would be met if the second appellate authority namely Divisional Commissioner (respondent No. 2) reconsiders the issue having regard to the said schedule of vaccination. The second appellate authority should proceed in accordance with law and after hearing all parties concerned in the matter.

The writ petition stands disposed of.

(Madhuresh Prasad, J)

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