

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12684 of 2014

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Jyoti Kumari Wife of Dharendra Kumar Resident of Village- Kukri Bigha,
Police Station- Makhdumpur, District- Jehanabad.

... .. Petitioner

Versus

1. The State Of Bihar
2. The Principal Secretary, Social Welfare Department, Govt. of Bihar, Patna.
3. The Director ICDS Integrated Child Development Scheme, Social Welfare Department, Govt. of Bihar,
4. The Deputy Director, Welfare, Magadh Division, Gaya.
5. The Divisional Commissioner, Magadh Division, Gaya.
6. The District Magistrate, Jehanabad.
7. The District Programme Officer, Jehanabad.
8. The Child Development Project Officer, Makhdumpur, Jehanabad,

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar
For the Respondent/s : Mr. Krishna Kant Tiwari, AC to SC 27

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 06-05-2019 Heard learned Counsel for the petitioner and the

learned Counsel for the State.

The petitioner was an Anganwari Sevika and when the Child Development Project Officer (CDPO) visited the center, she found that only 11 children were available at the center. Due to irregularities found at the center the petitioner, being the Sevika, was removed by order of the District Programme Officer dated 28.1.2014. The petitioner's removal has been affirmed by the order of Deputy Director, Welfare, Magadh Division, Gaya under his order dated 2.4.2014.



It is submitted by petitioner's Counsel that the order suffers from violation of Clause 10.8 and 10.9 of the Selection Guidelines 2011. Clause 10.8 of 2011 Guidelines requires that subsequent upon cancellation of selection of a Sevika intimation in this regard along with all the records are to be forwarded to the Directorate. The Directorate is, under the said Clause, expected to scrutinise 10% of the records received on random basis and if it is found that the District Programme Officer has been motivated by extraneous reasons then the District Programme Officer has to be proceeded against accordingly. Clause 10.9 contemplates that the decision to cancel selection of the Sevika has to be intimated to the Aam Sabha by the Child Development Project Officer. The said two violations, if at all, cannot cast a shadow invalidity upon removal of the petitioner.

The requirements are subsequent upon cancellation of selection. These requirements which are subsequent to the cancellation of petitioner's selection even if not observed, cannot invalidate action taken prior thereto. The violation alleged do not touch upon the procedure or merits on the decision leading to cancellation of the petitioner's selection. Post facto requirements are irrelevant for the purpose of removal of the petitioner.

The writ petition is devoid of merit and is dismissed.

(Madhuresh Prasad, J)

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