

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10836 of 2013

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Rekha Devi @ Rekha Kumari Wife Of Ashok Kumar @ Ashok Yadav
Resident Of Village- Kabaiya, Police Station- K. Hat, District- Purnea

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Social Welfare Department, Government Of Bihar, Patna
3. The Director, Integrated Child Development Scheme, I.C.D.S. Government Of Bihar, Patna
4. The Commissioner, Purnea Division, Purnea
5. The District Magistrate, Purnea
6. The District Programme Officer, Purnea
7. The Child Development Project Officer, Purnea Rural, District- Purnea

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Diwakar Yadav
For the Respondent/s : Mr.Manoj Kr. Yadav, AC to GA 10

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 05-11-2019 Heard counsel for the petitioner and counsel for the respondents-State.

Petitioner has been removed from her selection as Anganbari Sevika for the center in question. Action has been taken pursuant to complaint made by local representative and people of the area before higher authorities regarding center being closed on various occasions; and specifically that on 15.01.2011 Take Home Ration (THR) was not distributed.

Petitioner's counsel submits that for irregularity committed on a particular day i.e. 15.01.2011, extreme



punishment of cancellation of petitioner's selection as Sevika is excessive and disproportionate. Relying upon decision in the case of **Sabita Kumari vs. State of Bihar & others** passed in **CWJC No.508/2015**, counsel for the petitioner submits that the punishment is not sustainable on account of alleged irregularity being committed on one particular day.

Counsel for the State drawing attention of the court towards Annexure 5 i.e. show cause dated 01.02.2011 submits that there was also specific complaint against the center in question that it was found closed on various occasions.

Petitioner had appeared before the District Programme Officer and had made statement in this respect also, that only on a reasonable ground such as petitioner's illness, center in question was closed.

Closure is admitted. Petitioner has tried to explain closure by raising a plea of her absence due to illness. There is nothing on record to suggest that any document was filed in support of such plea before the competent authority in respect of illness which she claimed to be a reasonable ground for closure of the center in question on certain dates.

Pattern of irregularity emerging in the proceedings does not give any scope for this court to exercise equitable writ



jurisdiction to interfere with cancellation of petitioner's selection. This court would only observe that the petitioner is not a government servant. Existence of the petitioner is an agent of the government for disseminating welfare measure in the locality.

This court is not inclined to issue any direction or interfere with the order passed by the authority.

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

(Madhuresh Prasad, J)

s.hassan/-

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