

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11551 of 2014

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Anita Kumari Wife of Sri Prasad Mandal Resident of Village- Belhi, P.S.-
Pipra, District Supaul

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Commissioner, Kosi Commissioner, Saharsa
3. The District Magistrate, Supaul
4. The District Programme Officer, Supaul
5. The Child Development Project Officer, Marauna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Nachiketa Jha, Advocate
For the Respondent/s : Mr.Shashi Shekhar Kumar Prasad, AC to PAAG 2.

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 21-01-2019

The petitioner is aggrieved by cancellation of his selection dated 13.02.2010 as Angan Bari Sevika by the Collector of Supaul as well as rejection of his appeal by the Commissioner Koshi Division in Revision Case No. 100 of 2011 on 05.04.2012/12.04.2012.

2. Counsel for the petitioner submits that the order has been passed without affording an opportunity to the petitioner to appear in the proceedings and without taking into consideration the petitioner's application dated 30.01.2010 before the District Magistrate, Supaul. It is also submitted that due intimation has been granted that in view of the illness of the petitioner's husband she was unable to attend the proceedings on that date. It is also submitted that even the Commissioner while deciding



the appeal has over looked the affidavit dated 19.10.2011 submitted by one Darun Khatoon in favour of the petitioner.

3. Counsel for the respondent State has referred to the order passed by the Collector dated 13.02.2010 whereby the petitioner's selection as Angan Bari Sevika has been cancelled. It is rightly pointed out that since she was not distributing the Take Home Ration, she was liable to cancellation of her selection in view of the letter dated 10.10.2007 bearing no. 3023 issued by the Directorate, ICDS. It is also pointed out that on the date fixed for hearing of the allegations against the petitioner i.e., on 30.01.2010 the petitioner has not appeared before the Collector, Supaul.

4. Even application dated 30.01.2010 which is being relied upon by the petitioner is without receiving of any authority/office. Petitioner has chosen not to appear before the Collector. Another aspect of the matter is that in her reply to the show cause filed by the petitioner before the Collector on 17.01.2010 there is no specific assertion as regards distribution of Take Home Ration on 28.08.2009 when the centre in question was inspected. Only a general plea has been raised that in view of the very bad road condition and since the area is flood affected area there was a great difficulty in distribution of Take



Home Ration. The allegation of non-supply of Take Home Ration has not been denied specifically in the petitioner's reply to the show cause dated 17.01.2010, on the contrary plea of bad road condition has been taken to justify non-supply. Thus, there is inherent admission of the non-supply of Take Home Ration.

5. In the show cause issued to her apart from the allegation of non-distribution of Take Home Ration other allegations are that the center in question was closed and that the notices were also not in display. For such allegation the action has been taken against the petitioner under the guidelines of the Directorate, ICDS contained in letter dated 10.10.2007. Having failed to avail of the opportunity before the District Magistrate, the petitioner cannot claim that she has been denied opportunity of hearing. That apart even in the petitioner's reply dated 17.01.2010 to the show cause, there is no specific denial of the charge of non-distribution of Take Home Ration on 28.08.2009. An affidavit has been filed by one Rudan Khatoon much later i.e., on 19.10.2010, which evidence is sought to be produced for the first time in the Appeal before the Commissioner, Koshi Division in support of her claim in Revision Case no. 100 of 2011. The decision has been arrived at after considering the petitioner's reply and in accordance with



law.

6. Even otherwise having failed to avail of the opportunity before the District Magistrate, Supaul the writ petition has been also filed after a delay of about two years from passing of the appellate order by the Court of Commissioner Koshi Pramandal

7. For all the reasons indicated here in above, this Court does not find any reason to interfere with the impugned order.

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

(Madhuresh Prasad, J)

Prakash/-

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CAV DATE	
Uploading Date	
Transmission Date	

