

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11805 of 2013

Meera Devi, Wife Of Sri Vijay Paswan, Resident of Village- Chamar Toli,
P.S.- Udwant Nagar, District- Bhojpur

... .. Petitioner/s

Versus

1. The State Of Bihar through Secretary, Social Welfare Department, Bihar, Patna.
2. Director, Integrated Child Development Services Social Welfare Department, Bihar, Patna
3. Collector, Bhojpur
4. District Programme Officer, Bhojpur
5. Child Development Project Officer, Udwantnagar Bhojpur

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mukesh Kumar Jha, Advocate Mr. Anil Kumar Singh, Advocate
For the Respondent/s	:	Mrs. Binita Singh, SC-28 Mr. Vijay Anand Amrithesh, AC to SC-28

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 20-06-2019

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner was working as Aanganwari Sevika
at Centre No.47, West Chamar Toli, Udwant Nagar. An
inspection was made by Procurement Officer of ICDS. He had
made inspection at different Centres in an around Centre of the
petitioner as Centre No.71 Koeri Tola, Udwant Nagar where
Rita Devi was working as Sevika, Centre No.25, Fatehpatti,
Udwantnagar where Pushpa Singh was working as Sevika and
Centre No.48, Dushadh Toli, Udwantnagar where Panvart Devi
was working as Sevika including the Centre of the petitioner. In



all the Centres, by and large common deficiencies were found as has been reported that there was no proper scale or weighing machine for weighting and they were working on the basis of mechanical Tube scale. It has also been reported that presence of children were wrongly maintained in the attendance register and the Procurement Officer has given a recommendation to proportionate reduction of food-grains to the different Centers including the Center of the petitioner. The report was placed before the District Programme Officer, who did not agree with the proposal of the Procurement Officer issued notice to each Aanganwari Sevika of the aforesaid Centres and, accordingly, he was not satisfied with the explanation furnished by them, that led to removal from the engagement as Aanganwari Sevika. Against that apart from the petitioner and others have also approached to the District Magistrate, Bhojpur at Ara. It has been informed that the District Magistrate, Ara has passed the order granting relief to other Sevikas, but in the case of the petitioner, the matter remained pending for disposal and, accordingly, the petitioner moved before this Court in CWJC No.23337 of 2011, which was disposed of with a direction to the Collector to pass a reasoned order. The Collector considered the case of the petitioner and vide order dated 28.12.2012 rejected



the appeal of the petitioner.

The counsel for the petitioner submits that the report of the Procurement Officer has pointed out the similar and identical type of deficiencies in other Centers, the reason best known to the Collector, he has allowed the cases of other Aanganwari Sevikas except the petitioner. When the identical charge is there with respect to the identical deficiencies then law is very much settled that the uniformity should be maintained in the matter of awarding punishment also otherwise it violates the Article 14 of the Constitution of India as both constitute the same class they were discharging the same and similar duty as Aanganwari Sevika. The basic purpose was to feed the children of deprived class of the society.

Counsel for the State has tried to justify the action against the petitioner to those persons but failed to point out dissimilarity with the case of the petitioner *vis-a-vis* other Sevikas when the report itself shows that the number of children is not tallying with that of the register maintained by the Aanganwari Sevika in their respective Centers.

Similar deficiencies were found in all Centers and in the case of the petitioner uniformity has not been maintained in the matter of awarding punishment also, leads to dissimilar



treatment with the same class of person in the matter of same nature of deficiency, that is nothing, but it is hostile discrimination, which cannot withstand on the anvil of Article 14 of the Constitution of India.

In such view of the matter, the order of Collector, Bhojpur at Ara dated 28.12.2012 passed in Misc. Appeal No.37/2011-12 as well as order of District Programme Officer, Bhojpur at Ara dated 27.10.2011 are set aside. The matter is remanded back to take fresh consideration in view of fact that other similarly situated persons against whom similar allegation has been made having been again reinstated to the post of Aanganwari Sevika in their respective Centres.

The entire exercise should be completed within a period of three months from the date of receipt/production of a copy of this order.

With this observations and directions, this writ application is allowed.

(Shivaji Pandey, J)

V.K.Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	25.06.2019
Transmission Date	N.A.

