

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10536 of 2013

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Soghra Khatoon W/O Md. Kamaluddin, D/O Shamsuzzoha R/O Vill . -
Raingown Buzurg, P.S. - Dhoraiya, District - Banka

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Banka
3. The District Welfare Officer, Banka
4. The District Programme Officer, Banka
5. The Child Development Project Officer, Banka
6. The Circle Officer, Rajoan Anchal, Rajoan, District - Banka
7. Hasima Khatoon W/O Md. Iqubal Hussain the Then Mukhiya Of Mahila
Bishanpur Panchayat, P.S. - Dhoraiya, Distt - Banka
8. Md. Iquabal Hussain S/O Sheikh Salim R/O Vill. - Hasanpur, P.S. -
Dhoraiya, Distt. - Banka

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.S.R. Shahi
		Mr. Md. Anisur Rahman
For the Respondent/s	:	Ms.Shail Kumari

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 22-10-2019 Heard counsel for the petitioner and counsel for the
respondents-State.

Selection of the petitioner as Anganbari sevika for the
Center Raingown Buzurg, District Banka has been cancelled on
11.06.2007 by the District Magistrate, Banka.

Petitioner approached this court assailing cancellation
of selection in CWJC No. 8824/2007. The specific case of the
petitioner is that she had submitted detailed explanation
(Annexure 6) dated 19.05.2007. The order of the District



Magistrate manifests total non-consideration of the grounds raised by the petitioner. This court therefore directed that the District Magistrate should pass order afresh after examining materials and explanation submitted by the petitioner. Matter was thus, remanded to the District Magistrate.

The District Magistrate has thereafter passed an order which is dated 02.01.2013. The same is assailed in the instant proceedings.

The brief facts taken note of by the District Magistrate is that on 20.04.2007 register of Aganbari center in question was produced in Aam Sabha. Mukhiya producing the register pointed out that in between 01.04.2007 to 19.04.2007 there was no entry made in the Register. Thus the register was proof of the fact that none of the welfare measures intended to be disseminated at the center in question was being done. Register contained no entry in respect of distribution of nutrition and or in respect of other welfare activities for the center, for that period.

The issue was also highlighted that the petitioner subsequent upon selection for the center in question has since been married and was now a resident of village Chapra in the State of Jharkhand which fell in Godda Assembly.



Petitioner's response was that husband of local Mukhiya had taken away the register on 01.04.2007. Thus, it is her case that obviously the Register would not contain any entry in respect of distribution of nutrition and other activities for 19 days since register was forcibly taken away by local Mukhiya and was not available to the petitioner to make any entry therein. In respect of allegation regarding petitioner now residing at Godda, it is her specific response that with consent of her husband, she was living at her father's place so as to run Anganbari center in question efficiently. On holidays, she was discharging her obligation at her in-laws home at Godda which was only situated at 5 K.M. The District Magistrate has considered the submission in his order dated 02.01.2013. The admitted fact that no complain had been made by the petitioner regarding register allegedly being taken away in between 01.04.2007 to 19.04.2007 has rightly been held against the petitioner by the District Magistrate.

Petitioner has submitted that due to fear of Mukhiya, she did not lodge any case. The fact of entry not being available in the register and complain not having been made for 19 days stand admitted.

It is on such basis that the District Magistrate has



concluded that latches could not be over-come on account of stand taken by the petitioner.

In respect of petitioner's residence being now in the State of Jharkhand, District Magistrate has considered petitioner's submission made in her response dated 19.05.2007. While discussing the said issue, District Magistrate has taken note of the fact that the residence of the petitioner was required to be within nutrition area of the center in question, as per guidelines.

Various material was brought on record before the District Magistrate, including voter list of Godda Vidan Sabha containing the petitioner's name therein, as also petitioner's name in Panchayat election for Jharkhand and photo identity card of the petitioner issued in respect of her identity as voter for Godda Vidan Sabha. Petitioner's residence is also House no. 55 in village Chapra in the State of Jharkhand. Collector has come to a conclusion that since petitioner's residence is 5 K.M. away from the center in question, she was disqualified to continue as Sevika since she was not a resident of nutrition area. It thus could not be concluded that center in question was being run as per guidelines.

On the basis of such materials, Collector has come to



the conclusion regarding petitioner's residence being at a distance from center in question and not within nutrition area. There is nothing on record to show that the residence of the petitioner within 5 K.M. can be allowed for the purpose of running the center in question.

This court would also observe that petitioner by becoming Anganbari sevika never acquired status of a government servant. On basis of the materials on record discussed above, Collector has arrived at conclusion that welfare measure could not be done properly and as such the order of Collector requires no interference.

Writ petition is dismissed.

(Madhuresh Prasad, J)

s.hassan/-

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