

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.7 of 2018

In

Civil Writ Jurisdiction Case No.13761 of 2013

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Sunita Kumari, Wife of Ashok Singh, Resident of Village- Nandhi Nagar
Gabhtal, Police Station - Danapur, District - Patna.

... .. Appellant/s

Versus

1. The State of Bihar
2. The Director, I.C.D.S. Directorate, Social Welfare Department, Government of Bihar, Patna.
3. The Secretary, Social Welfare Department, Government of Bihar, Patna.
4. The District Appellate Authority-cum-The District Magistrate, Patna, District - Patna.
5. The District Programme Officer, Patna, District - Patna.
6. The Child Development Project Officer, Danapur, District - Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Abhay Shankar Jha, Advocate
Mr. Sanjay Kumar Jha, Advocate

For the Respondent/s :

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 17-04-2019

Heard learned counsel for the appellant.

2. This appeal questions the correctness of the impugned judgment of the learned Single Judge dated 27th November, 2017 in C.W.J.C. No. 13761 of 2013 on the ground that the procedure was not followed and there was no evidence to substantiate the Inspection Report on the basis whereof the appellant has been disengaged and her services has been



dispensed with as an Anganwari Worker. The contention is that as a matter of fact, there were more than the minimum number of beneficiaries as per the guidelines and if 27 children were found on the spot, the same could not have been a ground for dispensing with the services of the appellant, inasmuch as, it is only when the number is reduced less than 15, then only action is proposed to be taken under the said guidelines.

3. The allegation was of a short supply of Take Home Ration. This aspect was considered in the light of the Inspection Report. There is nothing in the writ petition so as to allege mala fides against the officer who had carried out the inspection. It is, therefore, evident that the facts stated in the report as noted at the time of inspection is sought to be questioned by the appellant on the ground that whatever discrepancies were alleged were not substantiated by witnesses. It is further submitted and it appears from the allegations made in the writ petition that the presence of the Body Guard of the District Panchayat Raj Officer was an additional reason for the children to have run away from the scene out of fear.

4. We have considered the submissions raised and the findings of fact recorded by the authorities below which has been accepted by the learned Single Judge while dismissing the



writ petition. We do not find any error either of fact or of law so as to gather any infirmity and in the absence of any such serious mala fides that have not been alleged, there is no occasion for this Court to interfere in the exercise of jurisdiction under Article 226 of the Constitution of India as the defaults which have been found are supported by recitals contained in the report. In the absence of any material to contradict the same, we do not find any error either in the conclusion drawn by the learned Single Judge or by the authorities below. The appeal lacks merit and is accordingly rejected.

(Amreshwar Pratap Sahi, CJ)

(Partha Sarthy, J)

P.K.P./-Sushma

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