

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3015 of 2017

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Seema Kumari, D/o Late Ramashish Mahto, W/o Jiya Lal Prasad R/o Village
- Koraiya Samanpur, P.S. - Kundava Chainpur, P.O. - Chainpur, District - East
Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Director, Integrated Child Development Scheme, Govt. of Bihar, Patna.
3. District Programme Officer, Motihari.
4. Child Development Project Officer, Ghorasahan, East Champaran.
5. The Block Development Officer, Ghorasahan, East Champaran.
6. Mukhiya, Gram Panchayat, Samanpur.
7. Panchayat Secretary, Gram Panchayat Samanpur.
8. Anita Kumari W/o Premchand Prasad R/o Village - Koraiya Samanpur, P.O.
- Chainpur, P.S. - Kundawa Chainpur, District - East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Prasad, Advocate
Ms. Shilpi Keshri, Advocate
For the Respondent/s : Mr. Prashant Pratap- GP-2

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 19-04-2019

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



2. The petitioner has approached this Court for a general direction to cancel the process of selection of Anganwari Sahayika in Ward No. 06, Anganwari Centre No. 133 in Samanpur Gram Panchayat as at the time of filing of the writ petition, the petitioner had learnt that the meeting of the Gram Panchayat was going to be held on 09.02.2017. There is a further prayer for grant of remuneration to the petitioner, which has not been paid up till now since March, 2009, despite the petitioner having worked at the Centre as Anganwari Sahayika.

3. The aforesaid contentions of the petitioner have been stoutly refuted by the learned counsel appearing for the State who has stated that till March, 2009 i.e. till the time she performed her duties as Anganwari Sahayika, she has been paid the honorarium.

4. It has also been brought to the notice of this Court that Centre No. 133, where the petitioner was posted as Anganwari Sahayika, was inspected several times and on all such occasions, the petitioner was found absent. A proposal also was mooted by the C.D.P.O. for terminating the services



of the petitioner on the complaint of the Anganwari Sevika that she was having severe problems in conducting the affairs of the Centre in the absence of the petitioner who was posted as Anganwari Sahayika. However, on the strength of a recommendation by the C.D.P.O., the money with respect to the remuneration of the petitioner had been withdrawn from State Treasury, but had not been collected by her. A direction was sought for depositing of such amount in the Bank account of the petitioner, which Bank account was opened afresh by the petitioner.

5. From the statement made in the counter affidavit, it appears that the amount which had been withdrawn towards remuneration of the petitioner till the time she had worked as Anganwari Sahayika at the concerned Centre has been deposited/paid to her.

6. However, in any view of the matter, the District Programme Officer, East Champaran, Motihari vide his order dated 03.12.2018 has terminated the appointment of the petitioner only on the ground that notice to appear before him was not accepted by her. In that event, the District Programme



Officer, East Champaran, Motihari came to the conclusion that the allegation against the petitioner, therefore, had to be accepted as true.

7. This cannot be a reason for terminating the appointment of the petitioner because such a decision has been taken only on the presumption based on one fact.

8. Be that as it may, what transpires from the pleadings in the writ petition and the counter affidavit is that the petitioner had been a defaulter.

9. Nonetheless, a forum of appeal is available to the petitioner before the Collector, East Champaran, Motihari.

10. The petitioner, if so advised, for the vindication of her rights, may approach the District Magistrate, East Champaran, Motihari, against the order dated 03.12.2018 passed by the District Programme Officer, East Champaran, Motihari. In case such an appeal is filed within a period of four weeks from today, it shall be accepted, heard and disposed off by a reasoned order by the District Magistrate, East Champaran, Motihari within a further period of eight weeks thereafter.



11. With the aforesaid observation / direction, this
petition stands disposed off.

(Ashutosh Kumar, J)

skm/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	20.04.2019
Transmission Date	

