

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14706 of 2014

Geeta Devi

... .. Petitioner/s

Versus

The State Of Bihar and Ors

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Dhirendra Kumar Sinha
For the Respondent/s	:	Mr.Binod Kumar Yadav, SC 18

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 24-09-2019 Heard counsel for the petitioner and counsel for the respondents-State.

Petitioner was working as Anganbari sevika at center no. 72 Paswan Toli Dhawari in the district of Bhojpur. Center in question was inspected on 15.10.2011. A show cause notice was issued to the petitioner on account of inspection wherein inspecting team found that THR was inadequate and maintenance of the register was improper. Inspecting team also found that the center in question was run by Anganbari sevika at her “Angan” instead of designated place.

Petitioner claims to have responded to show cause on 25.10.2011. In support of this assertion, petitioner has placed her explanation as annexure 2 to the writ petition. The District Programme Officer has rejected petitioner's show cause and directed for cancellation of her selection by assigning reason



that show cause was not received and on account of irregularity of distribution of THR and other irregularities found at the time of inspection, petitioner's selection has been cancelled by order dated 25.10.2011.

Petitioner has filed the appeal before the appellate authority under the guideline i.e. Deputy Director, Welfare of the Division. In the appeal, there is no assertion of the petitioner that she had submitted her show cause as per annexure 2 to the writ petition.

From perusal of the appeal itself, it is apparent that for the first time, charges were being responded by the petitioner in the appeal. The appellate authority has taken into consideration two pleas set forth by the petitioner; one on the date of inspection THR was earlier distributed to 20 beneficiaries. Therefore only three beneficiaries, who had not been distributed THR were present at the time of inspection. Reliance is also placed on certification regarding center being run as per guideline, by local Mukhiya. The pleas set forth by the petitioner contains inherent admission of there being three beneficiaries at the time of inspection. Distribution for 20 persons prior to the inspection cannot be ascertained due to non-maintenance of the register as per inspection report. Apart from



that certification given by local Mukhiya otherwise cannot come to rescue to the petitioner for the irregularities detected at the time of inspection i.e. on 15.10.2011.

The appellate authority, after considering the aforesaid submissions, has rejected the appeal of the petitioner on account of irregularities detected at the center.

This court does not find any infirmity in the findings recorded by the appellate court.

Writ petition is devoid of merits and the same is dismissed.

(Madhuresh Prasad, J)

s.hassan/-

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