

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10485 of 2017

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Mehin Nigar Begum, wife of Mohammad Nazirul Islam, resident of Village -
Haldiwari, Post - Pothia, P.S.-Pthia, Block-Pothia, District-Kishanganj.

... .. Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Social Welfare, Government of Bihar, Patna.
3. The Director, Integrated Child Development Services, Government of Bihar, Patna.
4. The Commissioner, Purnea Division, Purnea.
5. The Joint Commissioner-cum-Secretary, Regional Transport Authority, Purnea Divisional, Purnea.
6. The District Magistrate, Kishanganj.
7. The District Programme Officer, Kishanganj.
8. The Child Development Project Officer, Pothia, Kishanganj.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Ajey Kumar, Advocate
For the Respondent/s : Mr. Manish Kumar, A.C. to A.A.G.-8

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 12-07-2019

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

In this case, the petitioner is challenging the order
dated 03.04.2017 passed by the District Magistrate-cum-
Appellate Authority, Kishanganj, whereby and whereunder the
appeal filed by the petitioner has been rejected, affirming the
order dated 29.12.2014 passed by the District Programme



Officer, Kishanganj, by which the service of the petitioner has been dispensed with.

On 10.12.2014 at about 12:00 PM., the District Magistrate, Kishanganj, has visited the centre of the petitioner i.e. Anganbari Centre No.65, Haldiwari. During the inspection, it was found that no any child was present in the centre, the food was not ready, there was no entry of children in the attendance register from 09.12.2014 to 10.12.2014 and at the centre apart from inspection register, attendance register of the children, information book and the attendance register of Sevika/Sahayika, no other records were available in the centre. An explanation was sought, which the petitioner has replied, but the District Programme Officer was not satisfied with the explanation and has recorded that the action of the petitioner cannot be condoned and accordingly, her services was dispensed with vide order dated 29.12.2014, whereas Anganbari Sahayika has been awarded the punishment of fine of Rs.1000/-. Against the order of the District Programme Officer, the petitioner has filed an appeal before the District Magistrate, who after examining all the records recorded his finding and that too the entry made in the attendance register of the children i.e. on 03.12.2014, 32 children, on 04.12.2014, 26 children, on



05.12.2014, 26 children, on 06.12.2014, 31 children and on 08.12.2014, 21 children and in this manner the presence of o (zero) children on 10.12.2014 indicates that during the period from 03.12.2014 to 08.12.2014 in the attendance register wrong entry has been made and it is a serious allegation.

The purpose of the scheme is to provide nutritious meal to the marginalized class of children of the society belonging to rural as well as urban area so that they may not caught in the heath hazard, but in the present case in stead of consuming the meal to the poor children, the petitioner herself subsumed the entire meal of the poor children, so the purpose of scheme itself is defeated, hence, the petitioner cannot be allowed to run the centre in this manner.

In such view of the matter, this Court does not find any error in the impugned orders. This writ petition is devoid of any merit, accordingly, the same is dismissed.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
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