

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20477 of 2019

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Smt. Anshu Priya wife of Sumit Kumar Modi, resident of Village- Gudari Bazar, Kasba, ward No. 7, Police Station- Kasba, District- Purnea.

... .. Petitioner

Versus

1. The State of Bihar through the Director, I.C.D.s., Bihar, Patna.
2. The District Magistrate, Purnea.
3. The District Programme Officer, Purnea.
4. The Child Development Project Officer, Kasba, District- Purnea.
5. The Lady Supervisor, Anganabari Centre No. 134, Nagar Panchayat, Kasba, P.S. Kasba, District- Purnea.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Achintya Anand, Advt.
For the Respondents : Mr.S. K. Mandal (Sc3)

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

7 24-02-2020 Heard learned counsel for the petitioner and learned counsel for the respondent-State.

The petitioner, who was working as *Anganwari Sevika* at Center No 134, in the project at Kasba District of Purnea, has been removed from functioning as '*Anganwari Sevika*'. The removal is based on an allegation having been established that she did not distribute the amounts received for Uniform Allowance to the children at the Center in-question.

The counsel for the petitioner submits that the allowance was distributed at the '*Aam Sabha*' amongst 40 children at the rate of Rs.250/- per child and that a distribution



Register was prepared and duly authenticated by all the members of '*Aam Sabha*'. He submits that the same has not been considered and therefore the order of the District Programme officer, cancelling the petitioner's selection on such charges and the order of the District Magistrate affirming such cancellation of selection under orders dated 03.10.2017 and 31.05.2018 respectively are not sustainable. The Court put specific query to the petitioner's counsel whether the petitioner had raised the issue of a Distribution Register being prepared and duly signed by all the members of the *Aam Sabha* and requested the District Programme Officer to consider the same. The learned counsel for the petitioner has drawn the attention of the Court towards Annexure-9, dated 23.09.2017 being the petitioner's show cause filed before the District Programme Officer, the same does not contain averments made regarding their being any such Distribution Register for falsifying the allegation of non- distribution of Uniform Allowance. The issue, therefore, was not raised by the petitioner. The order of the District Programme Officer, therefore, cannot be assailed by alleging that the issue which was not raised was not considered by the District Programme officer. The order of the District Programme Officer is a detailed order and in view of the nature



of allegation, the petitioner selection as '*Anganwari Sevika*' has been cancelled. The District Magistrate has also affirmed the order after due consideration upon the appeal filed by the petitioner bearing Service Appeal No 17 of 17.

This Court would only observe that while functioning as '*Anganwari Sevika*', the petitioner was required to disseminate the welfare measure intended for the beneficiary children at the center in-question. The same having not been done, cancellation of the petitioner's selection does not require any interference.

The writ application is dismissed.

(Madhuresh Prasad, J)

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