

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6360 of 2021

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Krishna Kumari Wife of Tinku Ram Resident of Village- Pauram, Ward No. 11, P.S.- Hayaghat, Dist.- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Department of Social Welfare, Bihar, Patna.
2. The Director Integrated Child Development Scheme (ICDS) Directorate, Bihar, Patna, (Social Welfare Department) Second Floor Indira Bhawan, Ram Charitra Singh Path, Patna- 800001.
3. The Commissioner Darbhanga Division, Darbhanga.
4. The District Magistrate-cum- Collector Darbhanga.
5. The District Program Officer ICDS, Darbhanga.
6. The Child Development Project Officer Hayaghat, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Shambhu Nath Jha
For the Respondent/s	:	Mr. Sunil Kr. Mandal, SC-3
		Mr. Bipin Kumar, AC to SC-3
		Ms. Neelam Kumari, AC to SC-3

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 16-12-2021

Heard the learned counsels for the parties.

2. In the instant petition, petitioner has prayed for following reliefs:

“i. For issuance of an appropriate writ(s)/rule(s)/direction(s) in the nature of mandamus commanding the District Programme Officer (ICDS), Darbhanga to dispose of the representation dated 12-12-2019, filed by the petitioner, on the basis of liberty granted by this Hon’ble High Court, vide order dated 26-11-2019, passed in CWJC No. 23278/2019 and further for issuance of direction to the concerned authority for passing reasoned and speaking



order, on the basis of Resolution issued by the General Administration Department, Government of Bihar, vide Memo No. 13584 dated 01-10-2019,

ii. For quashing the show cause notice issued by the District Programme Officer, Darbhanga vide his Letter No. 302 dated 30-01-2019, directing the petitioner to file her reply, by physically present herself, before the said authority, as the CDPO, Hayaghat, vide her letter no. 31 dated 24-01-2019, has recommended for cancellation of her selection, on the ground that her educational certificate, has been issued by such Board, which is not approved by the department.

iii. For sending the petitioner, for training in compliance of the direction issued vide Letter No. ICDS/20025/11-2017/2898 dated 08-05-2018, by the Director, ICDS, Directorate, Bihar, Patna.

And/Or

iv. For grant of other relief (s) to which the petitioner may found entitled to, on the facts and circumstances of the case.”

3. Petitioner has questioned the validity of show cause notice dated 30th January, 2019 seeking explanation of the petitioner for the purpose of selection and appointment to the post of Anganwari Sevika. A writ court can entertain petition challenged to the show cause notice only if there is any violation of statutory rule or issued by incompetent authority. The petitioner has not pointed out aforesaid ingredients so as to entertain the present petition. That apart, petitioner has already submitted his explanation and it is pending consideration before the competent authority. Apex Court in the case of *Union of India & Ors. V.*



Kunisetty Satyanarayana reported in *(2006) 12 SCC 28* held that a writ court shall not entertain a petition in respect of challenge to the show cause notice unless it is contrary to any law or issue by any competent authority.

In the light of these facts and circumstances, the petition is not maintainable.

Concerned respondent is hereby directed to proceed in accordance with law, if the petitioner has filed his explanation to the show cause notice dated 30th January, 2019.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

