

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.223 of 2018

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Taswari Begum Wife of- Late Abdur Razaque, resident of Village- Tappu Sharif, P.S.- Pothiya, District- Kishanganj.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Kishanganj.
3. The District Programme Officer, Kishanganj.
4. The Child Development Project Officer, Pothiya Block, Kishanganj.
5. The Lady Supervisor, Pothiya Block, Kishanganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jawed Gaffar Khan, Advocate
For the Respondent/s : Mr. Smt. Kumari Amrita, GP-3

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

9 26-07-2022 Heard learned counsel for the petitioner and learned State counsel.

The petitioner's selection as Aanganwari Sevika has been cancelled by the impugned order passed by the District Programme Officer. The same is based on allegation that when the centre in question was inspected, it was found that instead of 30 children, there were only 15 children present at the centre and the food prepared was also deficient.

The petitioner has taken a plea that prior to the inspection on 22.05.2012, there was a theft at the aanganwari centre in question on 10.04.2012 wherein the register etc. were stolen. The petitioner has thus taken a stand before the District



Programme Officer that the register etc. had been taken away and, therefore, could not be produced at the time of inspection. The further submission of the petitioner's counsel is that in reply to show cause on 11.08.2012, the petitioner has again stated the fact of theft having occurred prior to the inspection in question. The irregularities detected at the time of inspection, the deficient prepared meals, the fact that all the beneficiary children were not present and that the petitioner had not produced the requisite registers are the irregularities which were occasioned due to theft having been committed at the centre in question.

The specific case of the respondents in the counter affidavit is that the plea of theft was taken for the first time by the petitioner while she was filing her show cause on 11.08.2012. Prior thereto, no such plea was raised.

Petitioner's counsel, however, submits that from perusal of the show cause dated 11.08.2012 (Annexure-3) and the application dated 11.04.2012 (Annexure-1), it would be apparent that the petitioner had taken a plea regarding theft much before the inspection in question. The averments made in the counter affidavit denying submission of the intimation dated 11.04.2012 are not denied or disputed by filing rejoinder. However, petitioner's counsel placed reliance on Annexure-1.



The Court, on going through the alleged intimation dated 11.04.2012 and the reply to show cause dated 11.08.2012, would find that the date on which the theft had allegedly been committed is different in the two documents. The plea in the explanation is that the theft had taken place on 02.04.2012 whereas the copy of the intimation in support of the theft contains the date of theft to be 10.04.2012. The plea is clearly unreliable and unsustainable. The veracity of the plea appears to be unsustainable for another reason that the specific averment in the counter affidavit that prior to 11.08.2012, no intimation was given regarding the theft in question stands undisputed and not denied as no rejoinder has been filed.

In view of the above position, the conclusion of the respondents in punishing the petitioner for the lapses detected at the centre during inspection requires no interference.

Writ petition is dismissed.

(Madhuresh Prasad, J)

Shashank/M.E.H.

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