

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.708 of 2018

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Kiran Rai @ Kiran Kumari, wife of Ashok Rai, Resident of Village - Morsand, P.S. - Minapur, District - Muzaffarpur (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Patna.
2. The Director, I.C.D.S. Bihar (Social Welfare Department) Indira Bhawan, Ram Charitra Path, Patna - 800001
3. The Deputy Director, Welfare, Muzaffarpur.
4. The District Magistrate, Muzaffarpur.
5. The District Programme Officer (I.C.D.S.), Muzaffarpur.
6. The Child Development Officer (C.D.P.O.), Minapur, District - Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr.Tejendra Sinha, Advocate
For the State	:	Mr.G.P. Ojha, GA-7

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 27-09-2022 The petitioner has been removed from her position as Anganwari Sevika at Centre No.26 under Gram Panchayat Raj Jamin Mathiya, Block-Minapur within the District of Muzaffarpur, on the ground that the Centre in question was inspected on 21.01.2012, wherein there were only 25 children present as against 40 registered children. The second allegation is that the specified amount of take home ration had not been prepared at the Centre on the date.

The petitioner's counsel submits that the allegations are false. In fact, 37 children were present, which fact has been



asserted by the petitioner in her response to the show cause. The learned counsel has drawn the attention of the Court to her response (Annexure 1 series).

This Court would find that in so far as the first charge is concerned, the petitioner has tried to meet the same by raising a factual dispute regarding the actual number of children present at the Centre in question.

The second ground regarding there being insufficient preparation of take home ration has not been denied by the petitioner in the petitioner's response dated 14.03.2012. The consideration of the response and submissions of the counsel for the petitioner make out a case of factual dispute so far as number of children present is concerned. There is no denial of the allegation regarding preparation of insufficient take home ration on the date. No procedural infirmity has been highlighted.

In view of the aforesaid submissions and on perusal of the show cause filed by the petitioner, this Court would observe that judicial review under Article 226 of the Constitution of India is of the decision making process and not a decision itself. That apart, the decision, in so far as the take home ration is concerned, is not denied or disputed by the petitioner in her show cause. No case is made out for interference with the



impugned orders.

Writ petition is dismissed.

(Madhuresh Prasad, J)

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