

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 192 of 2018

Along with
Interlocutory Application No 1 of 2019

=====

Priyanka Kumari Wife of Manoj Kumar Singh Resident of Village-
Fatikwara, P.O. Harpur Fatikwara, P.S.- Mahnar, District- Vaishali at Hajipur,
Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Social Welfare Department,
Government of Bihar, Patna
2. The Divisional Commissioner, Tirhut Division, Muzaffarpur, District-
MuzaffarpurBihar.
3. The Collector, Vaishali at Hajipur.
4. The District Welfare Officer, Hajipur, District Vaishali at Hajipur, Bihar.
5. The District Programme Officer, Hajipur, District- Vaishali at Hajipur, Bihar.
6. The Sub Divisional Officer, Mahnar, District- Vaishali at Hajipur, Bihar.
7. The Child Development Project Officer, Mahnar, District- Vaishali at
Hajipur, Bihar.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr Shashi Bhushan Kumar, Advocate
For the Respondent/s	:	Mr Prashant Pratap, GP II
		Mr Lala S N Rais, AC to GP II

=====

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 08-08-2022

Heard learned counsel for the petitioner and the
respondents.

2 The petitioner has assailed the order of cancellation of
her selection as *Anganwari Sevika* for Center No 41 vide order
dated 09.02.2017 passed by the District Programme Officer,
Vaishali in Record No 71 of 2016 Mahnar. The petitioner has also



assailed the order passed by the Collector, Vashali on 01.08.2017 in Anganwari Appeal Case No 17 of 2016 – 2017 whereby the petitioner's appeal has been rejected and the order passed by the District Programme Officer has been affirmed. The petitioner's selection has been cancelled on the allegation that her Center No 41 was found closed on 01.10.2016 at 12.20 pm.

3 It is submitted by the petitioner's counsel that the petitioner was in fact engaged in polio related work.

4 State counsel, however, submits that at the time of inspection, locals have said that the Center has been running irregularly. Submission of the State counsel, however, is not manifest from the order. The show cause dated 02.11.2016 issued to the petitioner is only in respect of closure of the Center in question on one day, i e, 01.10.2016. If the locals have stated that the Center was closed on various days, at least show cause was required to be issued for the said purpose. The irresistible conclusion is that petitioner's selection has been cancelled on account of Center being found closed on one day, i e, 01.10.2016.

5 The petitioner has also filed an interlocutory application being Interlocutory Application No 1 of 2019 whereby she has prayed for quashing of the office order dated 25.05.2019 issued by the District Programme Officer, Vaishali regarding



appointment of Anganwari Sevika at the Anganwari Center in the district at Block – Mahnar, Basudeopur Chandel Panchayat, Ward No 11. The petitioner, in Interlocutory Application No 1 of 2019, has stated that the process of selection has been initiated for the Center in question.

6 When the matter was last taken up, learned counsel for the petitioner was allowed time to take specific instructions whether a Sevika has been selected for Center No 41 from where the petitioner's selection was cancelled. Upon instructions, learned counsel for the petitioner submits that till date, no selection has been done for the Center in question.

7 Considering the aforesaid facts and circumstances, this Court would observe that a single aberration arising out of closure of Center in question on 01.10.2016 as per show cause dated 02.11.2016 issued to the petitioner, cannot be made the basis for cancellation of petitioner's selection as *Anganwari Sevika*. This Court has already held in the case of *Savita Kumari -Versus- State of Bihar & Others (CWJC No 308 of 2015)* that removal or cancellation of selection for a single day aberration is unsustainable as the same is a grossly disproportionate consequence. Even if the petitioner's defence that she was engaged in polio related work is not accepted then this Court



would observe that for a single day aberration, she could not be visited with the extreme penalty of removal/cancellation of her selection in view of judgment of this Court in the case of *Savita Kumari (supra)*.

8 The orders impugned are hereby quashed.

9 Since the petitioner's specific instructions that no selection has been done, subject to such situation obtaining, petitioner may be reinstated as *Anganwari Sevika* for the Center in question.

10 Writ petition stands allowed.

11 Interlocutory Application No 1 of 2019 also stands disposed of.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.08.2022
Transmission Date	NA

