

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10618 of 2018

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Lalti Devi @ Lalita Devi Wife of Sri Kishore Paswan Resident of Village - Ghanshyam Pakari, Police Station - Bara Chakia, Chakia, District - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Bihar, Patna.
2. The District Magistrate, East Champaran, Motihari.
3. The District Programme Officer, East Champaran, Motihari.
4. The C.D.P.O. Chakia, District - East Champaran.
5. The Director ICDS, Social Welfare Department, Govt. of Bihar, Patna.

... .. Respondent/s

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with
Civil Writ Jurisdiction Case No. 10621 of 2018

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Manju Devi wife of Pramod Pasawan, resident of Village- Ghanshyam Pakari, Police Station- Bara Chakia, Chakia, District- East Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, East Champaran, Motihari. null null
3. The District Programme Officer, East Champaran, Motihari. null
4. The C.D.P.O. Chakia, District- East Champaran.

... .. Respondent/s

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with
Civil Writ Jurisdiction Case No. 20640 of 2018

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Lila Devi Wife of Vinod Ram, Resident of Village- Math Banwari, Police Station- Pipra Kothi, District- East Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director, I.C.D.S. Govt. of Bihar, Patna.
3. The Collector cum District Magistrate, East Champaran, Motihari.
4. The District Programme Officer, East Champaran, Motihari.
5. The Child Development Programme Officer C.D.P.O., Kotwa, District- East Champaran.



... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 10618 of 2018)

For the Petitioner/s : Mr.Madhurendra Kumar, Advocate

For the State : Mr. Rajesh Kumar, Advocate

(In Civil Writ Jurisdiction Case No. 10621 of 2018)

For the Petitioner/s : Mr.Madhurendra Kumar, Advocate

For the Respondent/s : Mr. Rajesh Kumar, Advocate

(In Civil Writ Jurisdiction Case No. 20640 of 2018)

For the Petitioner/s : Mr.Madhurendra Kumar, Advocate

For the Respondent/s : Smt. Kumari Amrita -GP3

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

12 06-08-2024

Re. CWJC No. 20640 of 2018

The present matter arises out of different Anganwadi Centre, as such, it is detagged from the list and is directed to be listed separately.

Re. CWJC No. 10618 of 2018 and CWJC No. 10621 of 2018.

2. CWJC No. 10618 of 2018 has been filed for quashing the order dated 06.03.2018, passed in Case No. Miscellaneous 107A of 2015 by the District Magistrate, East Champaran, Motihari by which the order of termination dated 27.03.2015 passed by the District Programme Officer, East Champaran, Motihari in Case No. 249 of 2013-14 (Annexure-7) has been challenged whereas CWJC No. 10621 of 2018 has been filed for quashing of the order dated 06.02.2018 passed in Case No. Miscellaneous 107/2015 by the District Magistrate, East Champaran, Motihari by which the District Magistrate



dismissed the appeal filed by the petitioner and confirmed the order of termination dated 27.03.2015 passed by the District Programme Officer, East Champaran, Motihari in Case No. 249 of 2013-14 (Annexure-7).

3. Learned counsel for the petitioner submits that the petitioner in CWJC No. 10618/2018 was working as Anganbari Sahayika whereas the petitioner of CWJC No. 10621 of 2018 was working as Anganbari Sevika at Centre No. 10 situated at Village - Ghanshyam Pakari, Gram Panchayat Raj Chakbara since 2004. The allegation against them was that on the date of inspection made by the C.D.P.O. on 20.01.2015, only eight children were found present and the meal (poshahar) was not prepared, weight machine etc was not found. Subsequently, vide letter containing in Memo No. 183 dated 28.01.2015, respondent No.3, namely, the District Programme Officer, East Champaran, Motihari issued a show cause notice to the petitioners indicating therein that during the course of inspection, many irregularities were found and the petitioners were directed to appear in person. On 05.02.2015, the petitioners appeared before the District Programme Officer, East Champaran, Motihari, and filed their respective show cause explaining the situation therein. Besides the above, the



petitioners have also stated that due to severe cold, it was directed by the District Magistrate, East Champaran, Motihari to close all the private, Govt. Primary, Secondary, and Higher Secondary Schools till 21st of January. But without considering the circumstances mentioned in the show cause filed by the petitioners, the services of the petitioners were terminated. Thereafter, the petitioners preferred appeal before the District Magistrate against the order of the District Programme Officer. The District Magistrate, East Champaran, Motihari dismissed the appeal preferred by the petitioners and confirmed the order passed by the District Programme Officer, East Champaran, Motihari without considering the evidence produced by the petitioner and the reasons for the absence of children and non-preparation of food.

4. Learned counsel for the petitioners has taken consistent and specific plea in this case that the inspection was made on 20.01.2015 when a severe cold wave was going on and the district administration instructed to close the entire school of the district and it is due to this reason, the number of students were found very poor. Learned counsel further submits that the District Magistrate has directed to close all the schools till 21st of January but this aspect has been completely ignored by the



District Programme Officer and in appeal also, this aspect has not been considered by the District Magistrate.

5. Learned counsel for the State submits that the termination order has been passed at the level of the District Programme Officer as well as at the level of the District Magistrate and there is no need for any interference.

6. It transpires to this Court that neither the District Programme Officer nor the District Magistrate has considered this aspect of the matter that it was severely cold during the said period and the District Magistrate has directed to close all the schools of the district and it is due to this reason, the order dated 06.03.2018, passed in Case No. Miscellaneous 107A of 2015 by the District Magistrate, East Champaran, Motihari; order dated 27.03.2015 passed by the District Programme Officer, East Champaran, Motihari in Case No. 249 of 2013-14 and the order dated 06.02.2018 passed in Case No. Miscellaneous 107/2015 by the District Magistrate, East Champaran, Motihari and the order dated 27.03.2015 passed by the District Programme Officer, East Champaran, Motihari in Case No. 249 of 2013-14 are set aside.

7. The District Programme Officer is directed to hear the matter afresh considering all the aspects of the matter



particularly the fact that on the date of inspection, the direction was made by the District Magistrate to close all the schools of the district within 90 days from the date of production of a copy of this order after granting adequate opportunity to the petitioner.

8. With the aforesaid observation and direction, both the writ petitioners mentioned aforesaid stand disposed off.

(Dr. Anshuman, J)

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