

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5261 of 2020

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Rumana Khatoon Wife of Mr. Afroj Alam, resident of Ward No 9, Village-
Jamua Garahia, P.O.- Jhitkahia, P.S. Dhaka, District- East Champaran.

... .. Petitioner/s

Versus

1. Government of Bihar through the Secretary, Department of Social Welfare,
Bihar, Patna.
2. Director, Integrate Child Development Services, Bihar, Patna.
3. The District Magistrate, East Champaran at Motihari.
4. The District Programme Officer (ICDS), East Champaran at Motihari.
5. The Child Development Project Officer, Dhaka, East Champaran.
6. Lady Supervisor, Child Development Project Dhaka, Dhaka, East
Champaran.
7. Anjum Ara Begum, W/o Shri Iqbal Ansari, Ward No. -12, Village-Jamua
Garahia, P.O.-Jhitkahia, Dhaka, Dist-East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shantanu Kumar
For the Respondent/s : Mr.Md. Raisul Haque (Sc10)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 27-06-2024 Heard learned counsel for the petitioner and counsel
for the State.

2. Upon perusal of the records, it transpires that
notices have been issued to the private respondent no. 7 in this
case under both process i.e. registered cover with A/D and
talbana which were validly served but no one appears for the
private respondent no. 7.

3. The present writ petition has been filed for setting
aside the order dated 25.06.2019 passed in Anganwadi Case No.



29 of 2015 by the learned Court of Commissioner-cum-District Magistrate, East Champaran Motihari as well as for quashing of the order dated 25.08.2014 passed by the District Programme Officer, East Champaran in Case No. 190/2014-15 has been rejected and further prayer has been made to appoint the petitioner to the post of Sevika on Anganbari Centre 126, Dhaka, District-East Champaran.

4. Counsel for the petitioner submits that the petitioner was appointed on the post of Sevika under Anganbari Centre-126, Project- Dhaka under the Village and Panchayat- Jamua, P.S. Dhaka, East Champaran. He submits that alleged inspection has been made by lady Supervisor, Dhaka on 22.10.2013 at the Anganbari Centre No. 126 where the petitioner was working as Sevika. Another inspection was made on 03.12.2013 by Child Development Project Officer, Dhaka. Petitioner was recommended for termination of service. A general notice contained in Memo No. 08 of 02.01.2014 was issued by D.P.O, East Champaran, Motihari in which explanation was sought for and in response, thereof, petitioner has filed his reply on 06.01.2014. Counsel further submits that D.P.O. East Champaran, Motihari has passed order against the petitioner vide order dated 25.08.2014 in Case No. 190 of 2014-



15, thereafter, her services were terminated. Being aggrieved and dissatisfied petitioner has preferred appeal before the Deputy Director, Welfare, Tirhut Pramandal, Muzaffarpur vide Anganbari Seva Appeal Case No. 358 of 2014, but subsequently, the said Appeal was transferred to the learned Court of Commissioner-cum-District Magistrate, East Champaran, Motihari as Anganbari Case No. 29/2015. Counsel submits that the said case was passed in most mechanical manner and the points taken in the memo of appeal no. 358 of 2014 which is annexed as Annexure-7 has not been considered at all by the District Magistrate, East Champaran Motihari in Anganbari Case No. 29/2015 which is basically re-numbered after transfer from Deputy Director to the Court of District Magistrate. Counsel further submits that in the operative part of the order, the points taken by the petitioner in memo of Appeal which is annexed as Annexure-7 has not been considered at all. Counsel submits that C.D.P.O. Dhaka, East Champaran has put her signature on the register which become clear from the dress distribution register. He further submits that not a single persons were examined who were the beneficiary and without considering the documents, decision has been taken.

5. After going through the order, it transpires to this



Court that there is no finding made by the District Magistrate at the points submitted by the petitioner before him, as such, it appears to be gross violation of principle of natural justice.

6. In this view of the matter, this writ petition is hereby allowed and the order dated 25.06.2019 passed in Anganwadi Case No. 29 of 2015 by the learned Court of Commissioner-cum-District Magistrate, East Champaran Motihari as well as the order dated 25.08.2014 passed by the District Programmed Officer, East Champaran in Case No. 190/2014-15 is hereby quashed.

7. Commissioner-cum-District Magistrate, East Champaran Motihari is directed to pass order within 90 days from the date of production/receipt of the order upon hearing the person and other appropriate person. He is also directed to send proper person to take evidence of beneficiary with regard to the allegations levelled against the petitioner.

(Dr. Anshuman, J)

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