

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7231 of 2017

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Soni Kumari W/o Rajesh Kumar Choudhary, Resident of Village- Rupauli,
P.S. Musrigharari, Block Office Sarairanjan, District- Samastipur.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Commissioner, Darbhanga Division, Darbhanga.
3. The District Magistrate, District Samastipur.
4. The District Programme Officer, District Samastipur.
5. The Child Development Project Officer, Sarairanjan, District Samastipur.
6. The Mukhiya Gram Panchayat Raj Rupauli, District- Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Abhay Kumar, Advocate Mr. Anil Kumar, Advocate
For the State	:	Mr. Mithilesh Kumar, Advocate Ms. Upashna, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 20-03-2025 Since the learned counsel for the petitioner has initially submitted that he is not pressing Interlocutory Application No. 9741 of 2018, the same is dismissed as not pressed.

2. The present writ petition has been filed for the following relief/s :-

“(i) For issuance of a writ in the nature of Certiorari for quashing the order dated 7.03.2017 (Annexure-8) passed by the Commissioner, Darbhanga Division, Darbhanga, whereby and whereunder dismissed the Appeal No. 14/2013 as such the order dated 12.02.2013 (Annexure-7) passed



by District Magistrate Samastipur in Case No. 79 of 2012 has confirmed and by which the order dated 01.10.2012 (Annexure-6) passed by District Programme Officer, Samastipur also confirmed whereby and where under selection of the petitioner for the post of Anganbari Sevika on the Centre NO. 140 under Sarairanjan Block, District - Samastipur has been set aside.

(ii) For issuance of a writ in the nature of Mandamus directing and commanding the respondents to continue the petitioner on the post of Anganbari Sevika at Centre No. 140 under Block office Sarairanjan, District - Samastipur.

(iii) To grant of any other relief or reliefs for which the petitioner is entitled from the facts and circumstances of the case.”

3. Learned counsel for the petitioner submits that the petitioner was duly appointed to the post of Anganbadi Sevika for Centre No. 140 under Rupauli Panchayat by the Aam Sabha. The petitioner was ill and went for treatment, but in the meantime, at the instigation of her enemies, proceedings were initiated, and on false and frivolous grounds, the petitioner was removed from her post. Learned counsel for the petitioner further submits that the petitioner challenged the removal before the Collector, but the Collector did not consider the points raised



by the petitioner. Subsequently, the petitioner appealed to the Commissioner, who rejected the claim on the ground that there is no provision for revision against the order passed by the Collector and that the order passed by the appellate court had become final. Learned counsel further submits that the petitioner is innocent and that the center, which is alleged to have been running at different places, was well within the knowledge of the District Programme Officer, and with the permission of the District Programme Officer, the petitioner was running the center. Learned counsel also submits that the visitor's book, annexed as Annexure - 1 to the writ petition, indicates that the center was functioning properly.

4. On the other hand, learned counsel for the State submits that there are concurrent findings of the original and appellate authorities against the petitioner. The specific finding, as per the order of the District Programme Officer (Annexure 6 to the writ petition), states that during inspections on 13.09.2011, 15.02.2012, and 16.05.2012, the center was found to be closed. In response to the show-cause notice, the petitioner stated that she was on leave from 08.02.2012 to 13.02.2012 and went to Delhi for treatment. It was mentioned that the petitioner did not communicate her leave to the office of the CDPO, and as



a result, her appointment was canceled. Learned counsel further submits that the appeal order also mentions that during inspections on 13.09.2011, 15.02.2012, and 16.05.2012, both the CDPO and the DPO found the center closed.

5. In view of the above, this Court finds no merit in the writ petition. Accordingly, the writ petition stands dismissed.

(Dr. Anshuman, J)

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