

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13718 of 2025

=====

Mina Devi @ Meena Devi Wife of Shri Gauri Shankar Shahabadi Resident of
Village- Jayshree, P.O.- Karakat, P.S.- Karakat, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Social Welfare Department,
Government of Bihar, Patna.
2. The Divisional Commissioner, Patna.
3. The District Magistrate, Rohtas, Sasaram.
4. District Programme Officer, Rohtas.
5. The Child Development Project Officer, Rohtas, Sasaram.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Raj Nandan Prasad, Adv.
For the Respondent/s : Mr.Saroj Kr. Sharma, AC to AAG3

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 02-07-2026

Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed with the
following relief :-

*1. That this application is being
filed for issuance of appropriate writ,
order/orders, direction for quashing the
order dated 11.02.2025 passed by Divisional
Commissioner, Patna in ICPS Appeal case
No. 294/2022 whereby the said case filed by
petitioner has been rejected, the said case
was filed against the order passed by
District Magistrate, Rohtas issued under
memo no. 708, dated 30.05.2022 whereby
petitioner selection on the post of Anganbari*



Sahayika has been cancelled and as such this writ petition is also for quashing the said order vide letter no. 708, dated 30.05.2022 issued by the District Magistrate, Rohtas and also for a direction to respondent authorities to reinstate the petitioner on the post of Anganbari Sahayika with all consequential benefit.

3. Learned counsel for the petitioner submits that petitioner was selected on the post of Anganbari Sahayika vide letter dated 12/05/2018. He further submits that the petitioner was continuously performing her duty with full satisfaction for Jaishree Anganbari Centre, Block- Karkat, District- Rohtas. The petitioner had also completed her training successfully and in this regard, certificate dated 27/12/2018 was also issued to her. Counsel further submits that on the basis of a complaint, the Jaishree Anganbari Centre on which the petitioner was posted as Anganbari Sahayika, was inspected and discrepancy was found. In this regard, show-cause notice was issued to the petitioner vide letter No. 600 dated 17/05/2022.

4. Counsel further submits that the petitioner has filed reply to the said show-cause on 18/05/2022 before the DPO. Thereafter, she has received an order containing letter No.708 dated 30/05/2022 by which it has been informed that her appointment has been cancelled with immediate effect. He further submits that against the order dated 30/05/2022, the



petitioner has preferred appeal before ICDS bearing Appeal Case No. 294 of 2022 in the Court of Divisional Commissioner, Patna, but it was also rejected vide order dated 11/02/2025. Thereafter, the petitioner has preferred the present writ petition.

5. Counsel for the petitioner specifically pleaded that the disciplinary proceeding against the Anganbari Sewika/ Sahayika used to be run according to Guidelines for appointment of Anganwari Sewika/Sahayika, 2006 whose Rule No. 9, 10 and 11 are very much relevant and subsequently, in the light of letter issued by the Directorate, Bihar ICDS in letter no. ICDS/80050/13-2014/2447 dated 06/06/2018. He further submits that after issuance of show-cause for irregularity found by the DPO/any District Level Officer, the Inspecting Authority shall recommend this matter with evidence before District Magistrate, but only upon explanation.

6. Counsel further submits that show-cause has been issued on 17/05/2022 and explanation has already been issued to the DPO, Rohtas on 18/05/2022, but the DPO has not put any heed on her explanation (Annexure-P/4) and the District Magistrate at the time of passing final order, has neither considered the explanation filed before the DPO nor granted any opportunity to the petitioner prior to taking decision for her



removal. He further submits that the petitioner has also filed appeal, but the Appellate Authority has also not considered the said explanation and affirmed the order passed by the District Magistrate. He further submits that the letter issued in 2018 in which the punishment for removal is the last recourse prior to that there are other minor punishment imposed. He further submits that from the order, it transpires that the decision of removal has been taken in the year 2022 that is after issuance of letter of ICDS by Directorate, Bihar in the year 2018 itself. He further submits that in the light of submissions made, it becomes crystal clear that there is gross violation of Rule 9 and 10 of the Guidelines for appointment of Anganwari Sewika/Sahayika, 2006 and subsequently, the violation of the provisions laid down in the letter issued in the year 2018 by ICDS, Bihar, Patna also and it is due to this reason, the order passed by the District Magistrate as well as the Appellate Authority, both are fit to be set aside.

7. Learned counsel for the State, on the other hand, submits that it is the specific stand of the State as contained in Paragraph 9 of the counter-affidavit that the petitioner did not submit her show-cause within given stipulated time and hence, after perusal of the record and submitted inspection report of the



DPO, Rohtas and District Magistrate, Rohtas, cancelled the appointment of petitioner vide Memo No.708 dated 30/05/2022. He further submits that the decision taken by District Magistrate is completely in accordance with law and the order passed by the Commissioner is also fit to be sustained. He also submits in paragraph 13 of the show-cause, the denial was made by the respondent that no show-cause was submitted either before the concerned respondent (DPO) or in his office accordingly in the proper manner and therefore, it is denied. As such, there is no case of the petitioner and the orders passed by the District Magistrate and the Commissioner are fit to be sustained.

8. After hearing the parties, it transpires to this Court the provisions which are applicable to the petitioner's case is the Guidelines for appointment of Anganwari Sewika/Sahayika, 2006, particularly, Rules 9, 10 and 11 which States as follows:-

“9. सेविका/सहायिका पर अनुशासनिक कार्रवाई:- आँगनवाड़ी सेविका/सहायिका द्वारा अपने कर्तव्यों के संतोषप्रद निर्वहन नहीं किये जाने, उनके द्वारा अनियमितता बरते जाने, 15 दिनों से अधिक अनुपस्थित रहने, अपराधिक घटना में शामिल होने पर उनसे स्पष्टीकरण पूछकर बाल विकास परियोजना पदाधिकारी/जिला स्तरीय अन्य निरीक्षी पदाधिकारी उन्हें चयन मुक्त करने की अनुशंसा साक्ष्यों सहित जिला पदाधिकारी को उपलब्ध करायेंगे।

10. सेविका/सहायिका को चयन मुक्त करना:- उपरोक्त कंडिका 8 एवं 9 के संदर्भ में सेविका/सहायिका को चयन मुक्त करने संबंधी प्राप्त



प्रस्ताव पर जिला पदाधिकारी समीक्षोपरांत संबंधित सेविका/सहायिका को अपना पक्ष रखने का मौका देने के पश्चात् चयन मुक्त करने संबंधी मुखर आदेश (*Speaking Order*) निर्गत करेंगे।

11. चयन मुक्ति के विरुद्ध अपीलीय शक्ति:-

(क) जिला पदाधिकारी द्वारा कंडिका 10 के तहत चयन मुक्त संबंधी पारित आदेश के विरुद्ध संबंध पक्ष एक माह के अन्दर प्रमण्डलीय आयुक्त के समक्ष अपील कर सकते हैं।

(ख) कंडिका 8, 9 एवं 10 के संबंध में आयुक्त एवं सचिव/सचिव, समाज कल्याण विभाग एवं निदेशक, आई० सी० डी० एस० को सेविका सहायिका को सम्यक जांचोपरांत चयनमुक्त करने का निर्देश जिला पदाधिकारी को देने की शक्ति प्रदान होगी।

and subsequently, Letter No. ICDS/80050/13-

2014/2447 dated 06/06/2018 of the Guidelines for appointment of Anganwari Sewika/Sahayika, 2006.

9. Upon perusal of Annexure-P/4 of the writ petition, it transpires to this Court that the show -cause has been issued by the DPO, Rohtas on 17/05/2022, whereas, the petitioner has submitted her reply to the show-cause on 18/05/2022 through E-mail to the DPO, Rohtas in which the explanation has been submitted by her, but from the order dated 30/05/2022 passed by the District Magistrate, it transpires that the said explanation was not discussed in the said order.

10. Upon perusal of Rules 9 and 10 of the relevant Guidelines of 2006, it transpires that the opportunity of show-cause has been available to the petitioner twice. Firstly, by the



officials, who have made inspection, which is present here and secondly, by the District Magistrate, who has acted upon the recommendation made by the Inspecting Officer. From the order passed by the District Magistrate, it transpires to this Court that 2nd opportunity has not been granted by the District Magistrate to the petitioner and no show-cause or opportunity has been granted to the petitioner at the time prior to passing order of cancellation of her appointment.

11. It is due to these two reasons that neither the DPO has recommended and placed the explanation, submitted by the petitioner before the District Magistrate nor the District Magistrate has granted any opportunity to the petitioner prior to cancellation of her appointment.

12. As such, this Court finds that the orders passed by the District Magistrate as well as by the Divisional Commissioner, are absolutely illegal and in gross violation of Rules 9 and 10 of the said Guidelines of 2006. It is due to this reason, the order dated 11.02.2025 passed by Divisional Commissioner, Patna in ICDS Appeal case No. 294/2022 (Annexure-P/7) as well as the order passed by District Magistrate, Rohtas issued under Memo No. 708, dated 30.05.2022 are (Annexure-P/5) are hereby set aside.



13. However, liberty is hereby granted to the petitioner that she shall produce this order before the DPO, Rohtas, who upon consideration of her explanation, shall take decision in accordance with Rule 9 of the said Guidelines of 2006 and recommend the matter before the District Magistrate, Rohtas, Sasaram according to Rule 10 of the said Guidelines of 2006 and the District Magistrate, Rohtas, Sasaram after granting opportunity to the petitioner as well as upon consideration of the letter issued by the ICDS, of the year 2018 mentioned above, shall take a fresh decision with regard to the petitioner and all exercise shall be completed within a period of four months from the date of production of this order.

14. With the aforesaid directions and observations, the present writ petition stands allowed.

(Dr. Anshuman, J.)

Anshuman/
Prakashmani/-

AFR/NAFR	AFR
CAV DATE	N/A
Uploading Date	09/07/2026
Transmission Date	N/A

