

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.59 of 2018

In

Civil Writ Jurisdiction Case No.11364 of 2014

Punam Kumari W/o Sudhir Kumar, Resident of Village - Bhadwar, P.S. Chandi, District - Bhojpur at Ara.

... .. Appellant/s

Versus

1. The State Of Bihar through Principal Secretary Department of Social Welfare Govt. of Bihar, Patna.
2. The Director, I.C.D.S., Govt. of Bihar, Patna.
3. The Deputy Director, Welfare, Patna Division, Patna.
4. The District Magistrate, Bhojpur at Ara.
5. The Distt. Programme Officer, Bhojpur at Ara.
6. The Child Development Project officer, Koilwar, Bhojpur at Ara.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ram Chandra Prasad Bharti, Advocate
For the Respondent/s : Mr. Manish Kumar, AC to AAG 6

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

CAV JUDGMENT

(Per: HONOURABLE MR. JUSTICE PARTHA SARTHY)

Date : 23-04-2019

This intra Court appeal has been preferred by the appellant against the judgment dated 11.12.2017 passed by the learned Single Judge in C.W.J.C. No. 11364 of 2014.

2. The relevant facts in brief are that while the appellant was an Aanganwari Sevika at Bhadwar Center No. 97, a State Level Inspection Team inspected the center on 10.12.2011 and found several irregularities in the Posahar Scheme. Irregularities related to misappropriation of the amount under the Posahar Scheme, attendance of children etc. The appellant on being



given notice filed her reply. The District Programme Officer not being satisfied with the reply, by his order dated 13.02.2012 canceled the selection of the appellant as an Aanganwari Sevika for Center No. 97. The appellant preferred an appeal before the Appellate Authority which was numbered as Aanganwari Appeal No. 51/11-12. The said appeal was rejected by order dated 26.03.2014 passed by the Deputy Director, Welfare, Patna Division, Patna. It is against this order dated 26.03.2014 passed by the Appellate Authority that the instant application has been preferred.

3. The submission on behalf the appellant is that no adverse remarks has been found by any officials of the Panchayat about the conduct of the appellant and the order of the District Programme Officer, Ara as well as the order of the Deputy Director, Welfare i.e., Appellate Authority is against the materials available on record.

4. On the other hand, it has been submitted on behalf of the respondent nos. 4,5 and 6 that several irregularities of misappropriation of money in the Posahar Scheme was found in the inspection conducted on 10.12.2011 by the State Level Inspection Team at Center no. 97 where the appellant was the Aanganwari Sevika. A show cause notice was issued to the



appellant to which she submitted her reply. After considering her submissions made in the reply to the show cause notice submitted by her that the order dated 13.02.2012 was passed by the District Programme Officer, Bhojpur, Ara canceling her selection as Aanganwari Sevika and the said order has been affirmed by the Appellate Authority on 26.03.2014.

5. Having heard the counsel for the petitioner and the respondents and having gone through the records it transpires that an inspection was conducted on 10.12.2011 at the Aanganwari Kendra where the appellant was posted as an Aanganwari Sevika. Several irregularities of misappropriation of money besides others were found by the inspecting team and after submission of report, a show cause notice was issued to the appellant to which she submitted her reply.

6. After considering the reply filed by the appellant, the order dated 13.02.2012 was passed by the District Programme Officer, Bhojpur, Ara canceling the appellant's selection as an Aanganwari Sevika. On appeal having been preferred by the appellant being Aanganwari Appeal No. 51/11-12, the Appellate Authority rejected the appeal by order dated 26.03.2014.

7. From the facts of the case it transpires that on submission of the enquiry report mentioning about the



irregularities being conducted by the appellant, notices were issued to the appellant, opportunity to file reply to the show cause notice was given which the appellant availed of and it was after considering the submissions made by the appellant in her reply to show cause notice that the order dated 13.02.2012 was passed by the District Programme Officer Bhojpur, Ara canceling her selection as an Anganwari Sevika. Further in the appeal filed by the appellant, the Appellate Authority not only considered the submissions as available on records of the case but also heard the parties and thereafter proceeded to pass the order rejecting the appeal filed by the appellant. Thus, we find that the appellant was given full opportunity to place her case and orders impugned were passed after considering the submissions made on her behalf.

8. In view of the facts and circumstances stated herein above, we do not find any illegality in the order dated 13.02.2012 passed by the District Programme Officer, Bhojpur or the order dated 26.03.2014 passed in Anganwari Appeal No. 51/11-12 by the Deputy Director, Welfare Patna Division, Patna. The appellant has also not made out any case for interference in the order of the learned Single Judge.

9. In view of the facts and circumstances stated above,



there being no merit the instant appeal stands dismissed.

(Amreshwar Pratap Sahi, CJ)

(Partha Sarthy, J)

Prakash/-

AFR/NAFR	
CAV DATE	19.04.2019
Uploading Date	
Transmission Date	

