

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2198 of 2015

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1. Khushbu Kumari Daughter of Sri Manoj Kumar Sinha Resident of Station Road,
P.S - Nagar Thana, Hazipur, District - Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Government of Bihar, Patna.
2. The Principal Secretary, Social Welfare Department, Government of Bihar, Patna.
3. The Director, Integrated Child Development Scheme (I.C.D.S.) Social Welfare Department, Government of Bihar, Patna.
4. The Commissioner, Tirhut Division at Muzaffarpur.
5. The Collector, Vaishali at Hazipur.
6. The District Programme Officer, Vaishali.
7. The Deputy Development Commissioner, Vaishali at Hazipur.
8. The Child Development Project Officer, Bidupur, District - Vaishali.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dev Kumar Pandey
For the Respondent/s : Mr. GP29- SADANAND PASWAN

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 06-04-2015

06.04.2015

Heard learned counsel for the parties.

No doubt the appointment of the petitioner was on contract, but since a contract was entered between petitioner and the respondent-State authorities, they have an obligation, even in administrative law, to be fair in decision taken within the public domain, which the petitioner asserts, is lacking, in the decision taken against her, as would be evident from reading of Annexure-12, dated 18.07.2014.

The facts behind the issuance of Annexure-12



is that a so called State Committee made a visit of various centres in the district of Vaishali and found many infirmities in the manner in which the centres were being run under ICDS. There was failure at various levels, as was the report, including at the level of the Supervisor, which the petitioner is / was. Based on the report, dated 17.07.2013, the Committee headed by the District Magistrate decided not to renew the contract of the petitioner. This decision is contained in Annexure-12 and petitioner wants quashing of the same.

The short and precise submission made on behalf of the petitioner is that no doubt the respondents have a right either to renew or not to renew the contract and take work from the petitioner, but taking into consideration the various kinds of things, which has been alleged in the impugned order against the petitioner, the minimum, which was required, was issuance of a show-cause or notice to the petitioner, which was not done, which is a clear cut case of breach of principles of natural justice and, therefore, the impugned order becomes vulnerable.

In the counter affidavit, which has been filed on behalf of the respondents, there is no denial of the above position. Justification may be given for the reason

for passing of the impugned order, but since there is a breach of the principles of natural justice, the impugned order, contained in Annexure-12, dated 18.07.2014, is quashed.

Writ application is allowed.

However, liberty is given to the respondents to act in accordance with law.

Personal appearance of the Director, ICDS in the circumstances explained by him in the show-cause is hereby dispensed with.

(Ajay Kumar Tripathi, J.)

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