

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3489 of 2015

Kavita Devi Wife of Sri Mahendra Prasad Resident of village - Kushi (West) P.O. Karma Bhagwan, P.S. Aurangabad (M), District - Aurangabad

.... Petitioner/s

Versus

1. The State of Bihar
2. Director, Integrated Child Development Services, Department of Social Welfare, Indira Bhawan, Ram Charitra Singh Path, Patna
3. Divisional Commissioner, Magadh Division, Gaya
4. District Magistrate/Collector, Aurangabad, District Aurangabad
5. District Programme Officer, Aurangabad, District - Aurangabad
6. The Child Development Project officer, Aurangabad, District Aurangabad

.... Respondent/s

with

Civil Writ Jurisdiction Case No. 446 of 2014

Bimla Devi Wife Of Sri Deepak Kumar Resident Of Vilage - Bharthauli, P.O. - Bharthauli, P.S. - Aurangabad (M), District - Aurangabad

.... Petitioner/s

Versus

1. The State Of Bihar
2. Director, Integrated Child Development Services, Department Of Social Welfare, Indira Bhawan, Ram Charitra Singh Path, Patna
3. Division Commissioner, Magadh Division , Gaya, District - Gaya
4. District Magistrate/Collector, Aurangabad, District - Aurangabad
5. The District Programme Officer, Aurangabad, District - Aurangabad
6. The Child Development Project Officer, Aurangabad

.... Respondent/s

Appearance :

(In CWJC No. 3489 of 2015)

For the Petitioner/s : Mr. Rana Pratap Singh
For the Respondent/s : Mr. SC31-PANDEY S.SAHAY

(In CWJC No. 446 of 2014)

For the Petitioner/s : Mr. RANA PRATAP SINGH
For the Respondent/s : Mr. K.P. GUPTA

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 30-04-2015

30.04.2015

Heard learned counsel for the parties.

The Court is satisfied after production of the memo of appeal filed by the two petitioners that the question of no notice and show-cause as well as the argument of order of removal being passed not by the competent authority in terms of rule 9 and 10 of the guidelines issued in the year 2006 had been taken but not answered in the order impugned.

The stand of the State that in terms of the direction of the Director, ICDS, no notice is required to be given, is misplaced, if clause 10 of the guidelines is read in its entirety.

Even otherwise, no action can be taken against a person adverse to his or her interest without giving an opportunity of hearing and a show-cause. These omissions go to the root of the matter.

In view of the same, the order, dated 23.05.2009, passed in Anganbari Sevika Case No. 5 of 2009 and 6 of 2009, contained in Annexure-1 and 2 respectively of the two writ applications as well as order passed by the appellate authority, contained in Annexure-2 and Annexure-4, respectively, are set aside.

However, it is left open to the authorities to

W E F
N O T

even now issue a show-cause, if they so want and take a decision in accordance with law.

Both the writ applications are allowed.

(Ajay Kumar Tripathi, J.)

