

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1812 of 2014

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1. Anju Kumari, W/O Bijay Prasad Singh, R/O Village- Parsa, P.S.- Bisfi, Distt.- Madhubani

2. Fool Kumari, W/O Indradeo Prasad Singh, Resident Of Village Parsa, P.O. Simri, P.S. Bisffi, District- Madhubani

.... Petitioners

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna

2. The Divisional Commissioner, Madhubani

3. The District Magistrate, Madhubani

4. The District Programme Officer, Madhubani

5. The Child Development Project Officer, Madhubani

.... Respondents

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Appearance :

For the Petitioner/s : Mr. SURESH PD SINGH NO.1, ADV.
MS. KUMARI RASHMI, ADV.

For the Respondent/s : MR. INDRAJEET BHUSHAN, ADV. (A.C.to G.P.-2)

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 13-03-2015

The only reason why the Court is inclined to interfere with the impugned orders contained in Annexures- 8, 9 and 13 dated 14.11.2009, 09.02.2010, 06.04.2013, is there seems to be a disconnect between the report of the inspecting team contained in Annexure-1 as well as the charges which came to be levelled against the petitioners in Annexure-5 by the District Programme Officer, Madhubani. The inspecting team's report contained in Annexure-1 does not allege many a things, which has been levelled against the petitioners in Annexure-5. Where the additional allegations have emerged from, is not evident even from the counter affidavit filed on

behalf of the respondent authorities. If that be so then the entire show cause and enquiry thereafter becomes vitiated against the petitioners as they have been asked to explain certain allegations, which were not even made by the inspecting team.

In addition to that the respondents also have an obligation to carry out the direction issued by the Director, Integrated Child Development Services with regard to the kind of punishment, which is supposed to visit such persons in case of certain breaches and the different kind of punishment which goes with it. The case of these petitioners will be considered in terms of the guidelines and the nature of punishment, which is required to be imposed on the basis of the so called default pointed out by the inspecting team.

Writ is allowed with the above observation.

(Ajay Kumar Tripathi, J.)

Vats/-

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