

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4724 of 2015

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1. Pinki Devi D/o Sri Chhathu Paswan, W/o Shri Sanjiva Paswan R/o Village - Bahasi Damodar, P.O. - Kadilpur, P.S. - Jandaha, District - Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar, through its Chief Secretary.
2. The Secretary-cum-Commissioner, Social Welfare Department, New Secretariat, Patna.
3. The Deputy Director, Welfare, Tirhut Pramandal, Muzaffarpur.
4. The District Magistrate, Vaishali.
5. The District Program Officer, Vaishali at Hajipur.
6. The Child Development Project Officer, Jandaha, District - Vaishali.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dileep Kumar

For the Respondent/s : Mr. GP11- Awanish Nandan Sinha

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 30-03-2015

By virtue of Annexure- 3 one Sudisha Devi, who has not even been impleaded as a respondent, had filed an appeal challenging the decision of the District Programme Officer, Vaishali removing her from the responsibility of a Sahaika. There are certain omissions and commissions alleged against her. No doubt, the decision of the District Programme Officer was passed on 3.6.2009 and the vacuum created due to removal of Sudisha Devi was filled up by appointment of the petitioner. But it is also a fact that the grievance of Sudisha Devi against such a decision came to be finally decided only on 23.12.2014, which is Annexure- 3 and under challenge. As a fall out of Annexure- 3, Annexure- 4 has been issued restoring Sudisha Devi

on the engagement as Sahaika.

The question raised by the petitioner that she has worked for more than five years before her removal was effected cannot be a ground for directing her continuance especially when the appellate authority finding being what it is which led to her removal as well as in view of the new guidelines which does provide for varying kind of punishment which is required to be imposed for certain omission and commission. The Deputy Director, Welfare, Tirhut Division, Muzaffarpur has imposed a punishment and restored her back on the post of Sahaika. Since the claim of the petitioner/ her appointment was because of a contingent fact of removal of Sudisha Devi, therefore, once she is restored back by an adjudication which prima facie does not seem to be irrational, arbitrary or in teeth of any guidelines, the removal of the petitioner is a natural corollary because Sudisha Devi must enjoy the benefit of the adjudication made in her favour.

In view of the above, the writ application is dismissed. No interference is required to be granted in the above circumstances.

(Ajay Kumar Tripathi, J)

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