

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.273 of 2014

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1. Meera Kumari Wife Of Upendra Paswan Resident Of Village - Pach Pokhari,
P.S. Kudra, District - Bhabhua (Kaimur)

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Director, Social Welfare Department, Govt. Of Bihar, Patna
3. The Deputy Director Welfare Department, Govt. Of Bihar, Patna Division, Patna
4. The District Magistrate, Bhabhua (Kaimur)
5. The District Development Commissioner Bhabhua (Kaimur)
6. The District Programme Officer, Kaimur (Bhabhua)
7. The Child Development Programme Officer (C.D.P.O.) Kudra, Bhabhua (Kaimur)

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. RAVI KUMAR

For the Respondent/s : Mr. DHURJATI KUMAR PRASAD

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 03-02-2015

The impugned orders contained in Annexures- 5 and 7 dated 28-6-2013 and 30-10-2013 respectively require to be quashed on the ground that the show cause and the allegations made in Annexure-2 do not form the basis for adjudication made by the two orders; nor does Annexure-2 indicate that the enquiry report, contained in Annexure-1 forms the basis for the show cause issued to the petitioner.

If the petitioner was prejudiced because of the disconnect between the allegations made and the material based on which action came to be taken of her removal and not incorporated in the initial show cause, presumption of prejudice

will arise and effective defence, according to the learned counsel for the petitioner, could not be put up.

Be that as it may, it is apparent from Annexure-2 that the said decision is wrong and in that view Annexures-6 and 7 are quashed. The authorities are permitted to proceed against the petitioner afresh in accordance with law.

The writ application is allowed in terms of the above.

(Ajay Kumar Tripathi, J)

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