

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14018 of 2013

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Manorma Devi @ Manorma Kumari, wife of Sanjay Kumar, resident of village
Barmana, P.O. Bairka, Panchayat Bairka, P.S. Atri, District Gaya

.... Petitioner/s

Versus

1. The State of Bihar
2. The Collector, Gaya
3. The District Programme Officer, Gaya
4. The Child Development Project Officer, Atri, District Gaya

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Praveen Prakash

For the Respondent/s : Mr. M.K.Pathak, SC 7

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 22-05-2015

Heard learned counsel for the parties.

Annexure-1 is the order passed by the District Programme Officer, Gaya by virtue of which petitioner has been removed from the post of Anganbari Sewika. The reason given therein is that on inspection she did not produce necessary register, which she is required to maintain. Allegations have been made against the petitioner that neither take home rations are being distributed nor cooked food has been distributed. Without any notice or show cause, the decision to terminate the petitioner has been taken.

In such matter there was a departmental direction that action will be taken without show cause but it does not mean that the right of hearing vanishes. The rule of law still has to be prevalent and no

person can be condemned without being given an opportunity of hearing. The rule of natural justice demands that petitioner has to be given a show cause notice and right of hearing before such order can be passed.

Since annexure-1, dated 26.9.2009 is under challenge, which has been passed merely on the allegation, therefore, the same is required to be quashed.

This writ petition is allowed.

If the respondents are serious about pursuing the matter, let they do so by following the procedural law and the guidelines laid down by the State Government in this regard.

(Ajay Kumar Tripathi, J)

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