

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12209 of 2008

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RINA DEVI, WIFE OF MANOJ KUMAR RAI, RESIDENT OF VILLAGE
TUJARPUR, POST OFFICE TUJARPUR, POLICE STATION KHAIRA BLOCK
NAGRA, DISTRICT SARAN AT CHAPRA Petitioner

Versus

1. THE STATE OF BIHAR
 2. THE DIRECTOR, SOCIAL WELFARE DEPARTMENT, ICDS DIRECTORATE,
GOVERNMENT OF BIHAR, PATNA
 3. THE DISTRICT MAGISTRATE, SARAN AT CHAPRA
 4. THE CDPO, NAGRA BLOCK, DISTRICT SARAN
 5. THE MUKHIYA, GRAM PANCHAYAT RAJ TUJARPUR, POLICE STATION
KHAIRA, DISTRICT SARAN Respondents
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Appearance :

For the Petitioner : Mr. Basisth Nr.Mishra and
Mr. Brij Kishore Mishra, Advocates

For the Respondent s : Dr. RK Singh, AC to SC 8.S

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

2 13-01-2016 The petitioner prays for quashing order dated 30.4.2008 passed by respondent no.2 by which he has terminated the service of the petitioner from the post of Anganbari Sewika, Centre no. 78 village Jujarpur, Police Station Khaira, district Saran as on enquiry it had transpired that the petitioner did not distribute the take home ration (THR) meant for children below three years, their mother and pregnant women.

Counsel for the petitioner submits that neither she was subjected to any enquiry nor was she given any notice to show cause prior to passing order dated 30.4.2008.

Counsel for the State referring to paragraph 4 of the counter affidavit states that Directorate, ICDS, Bihar, Patna

issued notice directing to terminate Anganwari Sevikas even without show-cause, as they had failed to distribute the THR on 2nd and 4th Friday of the month.

In my view, the impugned order passed by the Directorate, ICDS, Bihar, Patna deprived the employee even of show cause before termination of service.

In the result, the impugned order dated 30.4.2008 is set-aside with liberty to the respondents to pass fresh order, after giving show cause to the petitioner, preferably within a period of three months. The petitioner would not be entitled to any back wages.

The writ petition is thus disposed of.

(Samarendra Pratap Singh, J)

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