

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1855 of 2014

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1. Sumitra Devi W/O Yadolal Sah Resident Of Village Madhopur Madhumalat, Police Station- Turkaulia, District- East Champaran.
 2. Shanti Devi W/O Late Ganesh Sah Resident Of Village Madhopur Madhumalat, Police Station- Turkaulia, District- East Champaran.
 3. Nitu Bala Devi W/O Brij Bhushan Pandey Resident Of Village Amwa, Police Station- Turkaulia, District- East Champaran.

.... Petitioner/s

Versus

1. The State Of Bihar Through Secretary Department Of Social Welfare, Govt. Of Bihar, Patna.
2. Director, I.C.D.S. Govt. Of Bihar, Patna
3. District Programme Officer, Motihari, East Champaran.
4. Child Development Project Officer, Turkaulia, East Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh

For the Respondent/s : Mr. Madhukar Krishna Sinha

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

3 29-02-2016 The petitioners are Anganwari Sevikas of different centres of Turkaulia block within East Champaran. They seek quashing of the order, dated 12.12.2013 passed by the District Programme Officer, Motihari, East Champaran cancelling their appointments.

It appears from the impugned order that the engagement of the petitioners have been cancelled on two grounds; firstly, they were not present at the Centre at the time of inspection and secondly, there was a direction from the Inspecting team to cancel the engagement as the petitioners were not present at the centre.

I find substance in the submission of the petitioners that

their services ought not to have been cancelled on the ground that on one occasion they were not found present at the centre. They could have been meted out a lesser punishment. The petitioners' case would also succeed on the score that the impugned order has been passed at the behest of superior authority as would appear from the impugned order.

In the result, the impugned order cancelling the services of the petitioners are set aside and the matter is remitted to the authorities to award a lesser punishment to them. It goes without saying that the petitioners would not be entitled to remuneration for the period they have been out of service.

This writ application on is allowed.

(Samarendra Pratap Singh, J)

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