

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No. 530 of 2014

Arising out of

Civil Writ Jurisdiction Case No. 22006 of 2012

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Sahodara Devi Wife of Sri Raghunath Ram Resident of Village Akorha Under
Gram Panchayat Akorha Block Dinara District Rohtas at Sasaram.

.... Petitioner/s / Appellant/s

Versus

1. The State of Bihar
2. The Director, Integrated Child Development Scheme, Bihar, Patna.
3. The District Magistrate, Rohtas at Sasaram.
4. The District Programme Officer, Rohtas at Sasaram.
5. The Speical Officer on Duty, District (Confidential) Cell, Rohtas at Sasaram.
6. The Child Development Project Officer, Block Dinara District Rohtas at
Sasaram.
7. The District Supply Officer, Rohtas at Sasaram.

....Respondent/s / Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Raghunandan Kumar Singh & Mr. Upadhyay Saurabh Kumar, Advocates
For the State	:	Mr. Dr. Raj Kumar Singh, A.C. to S.C. 7

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH)

Date: 23-08-2016

Heard learned counsel for the parties.

2. The present intra-Court Appeal is directed against
the order dated 21.02.2014 passed by learned Single Bench by which
C.W.J.C. No. 22006 of 2012 filed by the appellant has been
dismissed.



3. The appellant was appointed as Anganwari Sevika at Centre Code No. 76 situated in Dinara Block under Gram Panchayat Akorha in the District of Rohtas on 12.05.2003. Pursuant to irregularities found at the centre, during the inspection held by senior Block Officer on 08.01.2011, the appellant was asked to show cause as to why she should not be removed from service under letter no. 161 dated 11.02.2011. The appellant submitted her show cause on 25.02.2011. Upon consideration of the matter, the District Programme Officer, Rohtas by order dated 06.06.2011 directed for removal of the appellant as well as the Sahayika of the centre. The appellant filed an application against the said order before the District Magistrate, Rohtas. She also moved this Court in C.W.J.C. No. 15360 of 2011 against the order dated 06.06.2011 which was disposed of by order dated 25.10.2011 observing that she may file appeal before the District Magistrate, Rohtas. In view of the same, the appellant filed Appeal No. 18 of 2012 which was rejected by order dated 14.09.2012 passed by the District Magistrate, Rohtas. She again moved this Court against the order dated 14.09.2012 in C.W.J.C. No. 22006 of 2012 and dismissal of the same by the learned Single Bench on 21.02.2014 has given rise to the present appeal.

4. Learned counsel for the appellant submitted that

the dismissal order was without consideration of the show cause and even the appellate order has not considered the facts and circumstances of the case in their proper perspective.

5. It was submitted that even with regard to the timing of the Anganwari Sevika Centre, the inspection having been made beyond the time during which it is to be opened, the order of removal of the appellant is unreasonable and harsh. Learned counsel tried to show that the timing for the center was from 8:00 A.M. to 12:00 noon and, thus, the inspection beyond the said period could not be made the basis of any action against the appellant. Learned counsel further submitted that the respondent no. 5 had terminated the service of the appellant on the basis of direction given by respondent no. 4, which clearly vitiates the said order of removal.

6. Learned counsel for the respondents submitted that the appellate order passed by the District Magistrate, Rohtas is a detailed and speaking order, considering all the issues and contentions raised by the appellant before him and does not suffer from any infirmity.

7. Having considered the rival contentions, we do not find any merit in the present appeal. The admitted position is that the centre in question was found to be closed during inspection held at 12:45/1:05 P.M. The finding in the appellate order that the



centre was required to be open till 2:00 P.M. cannot be disputed as nothing has been brought on record to show that on 08.01.2011 when the inspection was made, the time to keep the centre open was not till 2:00 P.M. Whatever material has been sought to be produced before us at this stage by learned counsel for the appellant also does not conclusively prove the fact that the timing of the centre was not till 2:00 P.M. However, such material was never produced before the learned Single Bench and even what has been produced before this Court is not enough for upholding such contention on behalf of the appellant. The contention of learned counsel for the appellant that the order of her removal is based on the direction given by respondent no. 5 to respondent no. 4 is also erroneous, for the reason, that letter no. 648 dated 04.02.2011 of the respondent no. 5 to the respondent no. 4 (District Programme Officer) only states that, for having kept the center closed at the time when inspection was made, the appellant along with the Sahayika should be issued show cause and if sufficient and strong reasons are not found, they be removed from service. Thus, the same does not suffer from any infirmity and can in no way be taken as a mandatory direction to remove the appellant from the post held by her.

8. In view thereof, we do not find any error in the order of the learned Single Bench which may warrant interference in

the present Letters Patent Appeal, which, accordingly, stands dismissed.



(Hemant Gupta, J.)

(Ahsanuddin Amanullah, J.)

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