

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14144 of 2010

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1. Sulochana Devi, wife of Upendra Mandal, resident of Village -Kharahat, P.S. Raniganj , District- Araria

2. Devanti @ Damyanti Devi, wife of Harchu Mandal, resident of Village- Kharahat, P.S.- Raniganj , District- Araria Petitioners

Versus

1. The State of Bihar

2. Director, Primary Education, Human Resource Development Department, Government of Bihar, Patna.

3. Collector Cum District Magistrate, Araria.

4. District Superintendent of Education, Araria.

5. District Welfare Officer, Araria.

6. Additional Collector, Araria.

7. Sub Divisional Officer, Araria.

8. Block Development Officer, Raniganj, Araria.

9. Child Development Officer, Raniganj, District- Araria.

10. Mukhiya, Kharahat Gram Panchayat, P.S. Raniganj, District- Araria.

11. Panchayat Secretary, Kharahat Gram Panchayat P.S. Raniganj, District- Araria. Respondents

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Appearance :

For the Petitioner/s : Mr. Ambrish Kr. Jha, Advocate

For the Respondent/s : Mr. AC to AAG11

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL JUDGMENT

Date: 08-03-2016

Heard learned counsel for the petitioners and the respondents.

2. The petitioner no.1 is Anganbari Sevika and petitioner no.2 is Anganbari Sahaika of Centre No. 243 of village Kharhat under Kharhat Gram Panchayat under Raniganj block in the district of Purnia.

3. They seek quashing of the order, dated 29.06.2009 passed by the District Welfare Officer, Araria whereby the employment of the petitioners have been cancelled.

4. It would appear from bare perusal of the order that the employment of the petitioners have been cancelled without providing an opportunity of hearing in view of the policy decision of the State Government that no opportunity of hearing shall be given in case of dereliction of duty in certain circumstances.

5. In my view, neither such policy decision of the State Government nor the impugned order terminating the service of the petitioners without affording an opportunity of hearing is sustainable in law. While hearing a similar matter, a Division Bench of this Court observed that irrespective of nature of allegation, principle of natural justice should not be ignored on account of policy decision of the Government that no opportunity of hearing shall be given in case of dereliction of duty in certain circumstance, as right of hearing closed from Article 14 of the Constitution.

6. In view of the settled law, the impugned order dated 29.06.2009 passed by the District Welfare Officer, Araria is set aside with liberty to the respondents to proceed afresh after giving a fresh show-cause notice.

7. With the aforesaid observation, this application stands allowed.

(Samarendra Pratap Singh, J.)

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