

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12975 of 2008

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Kalpna Sahu, wife of Tanuk Prasad Sah resident of village sanhauli Sahni tola
Ward No.6 P.S. Chitragupta Nagar, District Khagaria

.... Petitioner/s

Versus

- (1) The State of Bihar
(2) The Director, I.C.D.S. Social Welfare Department, Bihar Patna
(3) The Collector, Khagaria
(4) The District Welfare Officer, Khagaria
(5) The Child Development Project Officer, Khagaria
(6) The Supervisor, Khagaria

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Adv.
Mr. Meena Yadav, Adv.
For the Respondent/s : SC18

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 06-10-2016

Heard Mr. Mrityunjay Kumar learned counsel for the petitioner
and Mr. Dipak Kumar Jamuar, learned A.C. to AAG 4.

The petitioner questions the order dated 27.12.2007 whereby
she has been relieved from the post of Anganbari Sevika on grounds
of failure to distribute the ration and the grounds raised is that:

- (a) It has been passed without show cause and without
opportunity of hearing to the petitioner.
- (b) The inspection was carried out on 8.11.2007 when the
petitioner was on leave, for which, an application filed on
5.11.2007, a copy of which is present at Annexure-4; and
- (c) There was no fund in the account of the centre and

whatsoever amount that was deposited in the account of the Centre was utilized for purchase and distribution of ration in the first and second Friday week. Learned counsel refers to the letter of CDPO present at Annexure10/2 to submit that the amount was transferred in the account of the Centre only on 12.11.2007 which was utilized on 15.11.2007 meaning thereby, there was no money in the account of the Centre for any purchase of the ration on 8.11.2007.

Learned counsel submits that none of these issues have been answered by the respondents in their counter affidavit. He further submits that one Rubi Kumari has been appointed in the meanwhile on the post.

Having heard learned counsel for the parties and considering the issues advanced by Mr. Mrityunjay Kumar which is not contested as well as taking into consideration the fact that afresh appointment has already been made against the post of Anganbari Sevika, Centre No. 124, under Gram Panchayat, Sanhauli in the district of Khagaria, I deem it fit and proper to dispose of the writ petition with liberty to the petitioner to question the order of termination on grounds so raised herein before the District Magistrate, Khagaria and who shall consider the grievance of the petitioner and dispose of the same in accordance without law with opportunity of hearing to the petitioner as well as the

fresh appointee to the post i.e. Rubi Kumari. Considering that the matter is lingering for some time, the District Magistrate, Khagaria should dispose of the matter expeditiously and preferably within three months from the date of receipt/production of a copy of this order.

With the directions and stipulations aforementioned, the writ petition is disposed of.

(Jyoti Saran, J)

Bibhash/-

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