

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8384 of 2013

Manju Kumari, Wife of Sri Nawal Kishore Paswan, Resident of Village Kanua,
Harijan, Paschim Tola, P.S. Chakmehsi, District Samastipur

.... Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Bihar, Patna.
2. The Secretary, Social Welfare Department, Bihar, Patna.
3. The Director, Social Welfare Department (I.C.D.S.) Bihar, Patna.
4. The Commissioner, Darbhanga Division, Darbhanga.
5. The Collector, Samastipur.
6. The District Programme Officer, Samastipur.
7. The Child Development Project Officer, Kalyanpur, Samastipur

.... Respondents

Appearance :

For the Petitioner/s : Mr. Kaushlesh Chaudhary, Advocate

For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL JUDGMENT

Date: 11-02-2016

Heard learned counsel for the petitioner and the respondents.

The petitioner seeks quashing of order dated 28.02.2011 passed by the District Programme Officer, Samastipur whereby the selection of the petitioner has been cancelled, which was affirmed in appeal and revision.

The petitioner is Anganwari Sevika of Centre No. 221 of Kanua Harizan Tola, Gram Panchayat Raj, Saidpur under Kalyanpur Block of Samastipur District.

In course of inspection, the petitioner was found absent

from the centre. The District Magistrate vide his letter, dated 29.12.2010 directed the District Programme Officer to terminate the engagement of the petitioner after issuing show-cause notice. The District Programme Officer in view of the report that petitioner was not present at the centre at the time of inspection and also in view of the letter of the Collector, Samastipur terminated his service, which was affirmed in appeal and revision.

In my view, the District Programme Officer ought to have exercised his own independent mind to the facts of the case and ought to have passed an order without being influenced by the direction of the learned Collector.

In this view of the matter, the impugned order passed by the District Programme Officer and affirmed in appeal and revision are set aside with liberty to the District Programme Officer to pass fresh order in accordance with law.

The writ application is allowed with the aforesaid observation.

(Samarendra Pratap Singh, J.)

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