

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.789 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 537 of 2014
Along with
Interlocutory Application No.3308 of 2015

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Veena Devi aged about 48 years, wife of Shree Govind Das, resident of Mohalla - Panchmahala, Chamar Toli, P.S. Pandarak, District – Patna.

.... Petitioner-Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, New Secretariat, Patna.
2. The Director, Social Welfare Department, Government of Bihar, New Secretariat, Patna.
3. The Deputy Director, Welfare, Patna Division, Patna.
4. The District Programme Officer, Patna, District – Patna.
5. The Child Development Project Officer, Pandarak, District - Patna.

.... Respondents-Respondent/s

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Appearance :

For the Appellant/s : Mr. Rupak Kumar, Advocate

For the Respondent/s : Mr. M. N. H. Khan, S.C.-1
Mr. Md. Irshad, A.C. to S.C.-1

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA
and
HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 29-07-2016

Re.: Interlocutory Application No.3308 of 2015

The application is for condonation of delay of 14 days in filing of the present Letters Patent Appeal.

2. For the reasons mentioned in the application, we find that sufficient cause is made out for condonation of delay. Consequently, we condone the delay in filing of the present Letters

Patent Appeal.

3. Interlocutory Application stands allowed accordingly.

Re.: Letters Patent Appeal No.789 of 2015

The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Bench on 2nd of February, 2015 whereby, the order of removal of the appellant as Anganwari Sevika was not interfered with.

2. The appellant was served with the show cause notice on 5th of September, 2012 pointing out as many as 15 irregularities. In reply, the appellant evaded answers to all irregularities by pointing out that the so called irregularities were to be attended by other persons. After considering the reply, an order of removal has been passed by the District Programme Officer, Patna on 1st of December, 2012. An appeal against the said order stands dismissed on 19th of July, 2013. Still aggrieved, the appellant is before this Court.

3. The sole argument raised by learned counsel for the appellant is that inspection was made on 20th of January, 2012, whereas show cause notice was given on 5th of September, 2012 which shows *mala fide* action of the respondents.

4. In reply, the answer to the irregularities by the appellant is one of the evading reply as if all actions were required to be taken by somebody else and not the appellant. She does mention

that false allegations have been levelled with a view to terminate her service, but the same by itself is not sufficient explanation of the irregularities. She is taking shield under the other workers.

5. The District Programme Officer has considered the reply and passed an order of removal. Such order of removal has not been interfered with by the Deputy Director, Welfare, Patna, the appellate authority.

6. We do not find any error in the decision making process which may warrant interference in the present Letters Patent Appeal. The same is, therefore, dismissed.

(Hemant Gupta, J.)

(Ahsanuddin Amanullah, J.)

Sunil/-

AFR/NAFR	
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