

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10609 of 2015

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Gita Kumari W/o Ashok Kumar R/o village + Post - Nawada, P.S. Barauli, District
- Gopalganj

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary Cum Commissioner,
Department of Social Welfare, Govt. of Bihar, Patna
2. The Divisional Commissioner, Saran Division, Chapra
3. The District Magistrate, Gopalganj
4. The District Program officer, Gopalganj
5. The Child Development Project officer, Barauli, Gopalganj
6. The Mukhiya, Gram Panchayat Raj, Nawada, Barauli, Gopalganj

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gautam Kumar Kejriwal

For the Respondent/s : Ms. GEETA KUMARI

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**CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP
SINGH**

ORAL JUDGMENT

Date: 07-01-2016

Heard learned counsel for the petitioner as well
as learned counsel for the State.

Petitioner seek quashing the order dated
18.02.2014 passed by the respondent Divisional Commissioner,
Saran Division, Chapra, affirming the order dated 17.02.2012
passed by the District Magistrate-cum-Collector, Gopalganj in
Appeal case no. 21/2011 affirming the order dated 08.11.2011
passed by the District Programme Officer, Gopalganj, whereby
the petitioner was removed from the post of Anganbari Sevika.
The petitioner earlier moved this court in C.W.J.C. No. 11473



of 2012 which was disposed of on 06.08.2012 with liberty to the petitioner to move the Divisional Commissioner. In the mean time, the petitioner filed the application for review of the order dated 06.08.2012, which remained pending and in the meantime, the Divisional Commissioner dismissed the appeal filed by the petitioner. The petitioner on advice has withdrawn the review application. As such, the instant writ application has been filed again with the same prayer. The petitioner submits that show cause notice dated 31.10.2011 issued by the District Programme Officer, Gopalganj suffers from vagueness which deprived him from filing an effective reply. The petitioner further submits that many other Anganwari Sevika of the same Block challenged the impugned order of removal as well as appellate order successfully in this court. A copy of such orders have been annexed as Annexure-9 series. I find from C.W.J.C. No. 479 of 2013 disposed of on 11.01.2013 that similar show cause as that to the petitioner was issued to the writ petitioner Kamlawati Devi also. This court vide order dated 11.01.2013 observed that show cause is vague as it deprived the petitioner from filing an effective reply. As a result, not only the show cause, but the impugned of dismissal affirmed an appeal were also set aside. The case of the petitioner is also identical. The

show cause notice as well as the impugned order of punishment affirmed in appeal are set aside.

However, nothing will come in the way of the authorities to take action against the petitioner in accordance with law. If the petitioner is not ultimately found guilty, the case for promotion to the post of Female Supervisor (Mahila Parivekshika) may not be prejudiced.

This writ application is disposed of accordingly.

(Samarendra Pratap Singh, J)

rohit/kunal/-

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