

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.809 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 484 of 2014
Along with
Interlocutory Application No.3418 of 2015**

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Urmila Kumari aged about 47 years, wife of Late Raghunandan Mahto, resident of Village - Pandarak, Police Station - Pandarak, District - Patna.

.... Petitioner-Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Government 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 : Mr. Rupak Kumar, Advocate

For the Respondents : Mr. M. N. Huda 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: 05-08-2016

Re.: Interlocutory Application No.3418 of 2015

The application is for condonation of delay of 15 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.809 of 2015

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

2. It was on 16th of July, 2012, the Centre managed by the appellant was inspected. The irregularities found at the Centre, *inter alia*, were that no menu was shown and that the appellant was not in proper dress; Meal was not properly packed; the supplementary meal was prepared in less quantity and that Take Home Ration was distributed in less quantity. On the basis of the said irregularities, a show cause notice was given to the appellant on 5th of September, 2012. After considering the reply, the District Programme Officer passed an order of removal of the appellant on 26th of November, 2012. An appeal against the said order was dismissed on 5th of July, 2013. The writ petition filed against the said orders stands dismissed. Still aggrieved, the appellant is in Letters Patent Appeal before this Court.

3. Learned counsel for the appellant vehemently argued that the irregularities pointed out in the show cause notice were

communicated after delay and that such irregularities are minor in nature, therefore, the action of removal from the services as Anganwari Sevika after more than 15 years of service is not justifiable.

4. We do not find any merit in the argument raised. Apart from the fact that the appellant was not in a proper dress and that no menu was shown, but the fact remains that less quantity of meal was prepared and Take Home Ration was distributed in less quantity. These are serious allegations and not only irregularities. The District Programme Officer and the Deputy Director Welfare, Patna Division, Patna has not accepted the explanation given by the appellant. Such order has not been interfered with by the learned Single Bench as well.

5. In the present Letters Patent Appeal, we do not find any error in the order passed by the learned Single Bench which may warrant interference. The same is, accordingly, dismissed.

(Hemant Gupta, J.)

(Ahsanuddin Amanullah, J.)

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