

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.259 of 2014
Arising out of
Civil Writ Jurisdiction Case No. 19197 of 2012**

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Geeta Kumari Wife Of Shri Laxmi Prasad Yadav, Resident of Village- Maujha,
P.O.- Gangapur, P.S.- Kishanpur, District- Supaul

.... Appellant/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Social Welfare, Government of Bihar, Patna
2. The Principal Secretary, Department of Social Welfare, Government of Bihar, Patna
3. The Director, Integrated Child Development Scheme (I.C.D.S.), Bihar, Patna
4. The Commissioner, Koshi Division, Saharsa
5. The District Magistrate, Supaul
6. The District Programme Officer, Supaul
7. The Child Development Project Officer, Kishanpur, District- Supaul

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Amrit Abhijat, Advocate.
Mr. Manoj Kumar Gupta, Advocate

For the Respondent/s : Mr. Alok Kumar Gupta, AAG-13
Mr. Anshuman Singh, AC to AAG-13.
Mr. Nishant Sinha, Advocate.

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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: 22-06-2016

The challenge in the present Letters Patent Appeal is to an order dated 09.01.2014, whereby the writ petition i.e., CWJC No. 19197 of 2012, filed by the petitioner, was dismissed after holding that the appellant is a contractual employee and that no inquiry is contemplated in respect of such appointee before passing an order of removal.

Learned counsel for the appellant argues that against

the order of removal, the appellant filed an appeal, which was dismissed without giving any detailed reasons. He refers to a judgment of this Court in case of **Smt. Kumari Rani vs. The State of Bihar** reported as **2011(3) PLJR 519**.

We have heard learned counsel for the parties and find no merit in the present Letters Patent Appeal. There was allegation of misconduct such as irregularities in running of Anganwari Centre, such list of beneficiaries was not published; no board was displayed and the register was not maintained. The stand of the appellant was that the list of beneficiaries was pasted on the bamboo frames, but the same was torn by the children. The weighing machine went out of order only after two or three days of delivery. The blackboard was washed away in storm and that the inspection was made by some ill-motivated persons. Considering the reply filed, an order was passed for her removal on 07.07.2012. In appeal, against the said order, the District Magistrate considered the reply filed by the appellant and found no ground to interfere with the order passed on 07.07.2012. It may be noticed that the appellate order is not a cryptic order but gives reason as to why the appeal of the appellant was not found to be sustainable. It is thereafter the writ application filed by the appellant stands dismissed.

The appellant was appointed as Anganwari Sevika. Her

appointment is not under the State but is a contractual appointment. The appellant, being a contractual employee, has failed to discharge the duty assigned to her and after show cause her services have been terminated. Such order has been affirmed in appeal by the District Magistrate.

We do not find any illegality or irregularity in the process leading to removal of the appellant. The order has been passed after pointing out the irregularities committed by her and after considering the reply filed. The reasons have been recorded by the competent authority which order has been affirmed by the District Magistrate. Thus, we do not find any infirmity in the decision making process, which may warrant interference in the writ jurisdiction of this Court. In view thereof, the present Letters Patent Appeal is dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Sujit/P.Kumar

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