

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8285 of 2014

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Kavita Kumari W/o Sri Jahendra Prasad Sao @ Jitendra Kumar R/o
Village- Goh, P.S- Goh, District- Aurangabad.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Govt. of Bihar, Patna.
2. The Director, Integrated Child Development Scheme Directorate, Bihar, Patna.
3. The Commissioner, Magadh Division, Gaya.
4. The Deputy Director Welfare, Magadh Division, Gaya.
5. The District Magistrate, Aurangabad.
6. The District Programme Officer, Aurangabad.
7. The Child Development Project Officer, Goh, District Aurangabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Singh, Advocate
Mr. Priyadarshi Sharan Matre, Advocate
For the Respondent/s : Mr. Purnendu Singh, GP-27
Mr. Sanjay Kumar Tiwary, AC to GP 27

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

4 14-03-2016 The petitioner was engaged as Anganbadi Sevika of Centre No. 5 within Goh Block of Aurangabad district. She was not found present during the inspection of centre on 02.09.2013. Consequently, her services were terminated by the District Programme Officer on 28.10.2013 after providing necessary show-cause. The petitioner filed appeal against the order of dismissal dated 28.10.2013 before the Deputy Director, Welfare, Gaya district, which too was rejected.

Petitioner submits that he received information from her son that her husband is not feeling well and consequently, she left

the premises at 12:20 p.m. for taking her husband to the doctor.

Counsel for the State submits that both the Sevika (petitioner herein) and Sahayika were absent from the Centre.

I find that the order of termination has been passed on the sole ground that the petitioner was found absent from the Centre on one particular occasion.

In view of the facts and circumstances of the case, termination of petitioner on the ground of being absent on one particular occasion is too harsh and excessive. As such, the impugned orders of dismissal from service passed by District Programmer Officer as well as by the Appellate Authority are hereby set aside. The matter is remitted back to the disciplinary authority to pass any other punishment in lieu of dismissal from service. The petitioner would not be entitled for the remuneration/ wages for the period of dismissal.

The writ application is accordingly disposed of.

(Samarendra Pratap Singh, J)

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