

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.322 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 21494 of 2012
Along with
Interlocutory Application No. 1518 of 2015

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Jaymanti Kumari, W/o Chandrika Prasad R/o village - Bhelwatad, P.O. Chaubey,
P.S. Sirdalla, District - Nawada

.... Appellant/s

Versus

1. The State of Bihar
2. The Director, I.C. D.S. Social Welfare Department, Government of Bihar, Patna
3. Divisional Commissioner, Magadh Range, Gaya
4. The District Magistrate, Nawada
5. The District Programme Officer, Nawada
6. The Child Development Project officer, Sirdalla (Nawada)

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjay Kumar Ojha, Advocate.

For the Respondent/s :

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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: 03-05-2016

Re.: Interlocutory Application No. 1518 of 2015

The application is for condonation of delay of 276 days
in filing of the appeal.

2. For the reasons mentioned in the application, we find
that sufficient cause is made out for condonation of delay.
Consequently, the delay of 276 days in filing of the appeal is
condoned.

3. Interlocutory Application stands disposed of.

Re.: Letters Patent Appeal No. 322 of 2015

The order dated 13.02.2014 passed by the learned single Bench in CWJC No. 21494 of 2012 is the subject matter of challenge in the present Letters Patent Appeal. By the aforesaid order, the learned single Bench has not found any illegality in the order passed by the appellate authority on 03.10.2012.

2. The appellant is an Anganbari Sevika. Pursuant to an inspection of the Anganbari Kendra on 16.02.2012, a show cause notice (Annexure-4) was served upon the appellant. The appellant submitted her reply (Annexure-5) on 24.02.2012. It is thereafter, the District Programme Officer, Nawada passed an order of removal of the appellant as Anganbari Sevika on 23.02.2012. In the order (Annexure-2), it has been noticed that previously, there was an allegation against the appellant of committing irregularities and also that the ration under the Take Home Scheme has not been distributed properly.

3. Aggrieved against the said order, the appellant filed an appeal, which stood dismissed on 03.10.2012. Still aggrieved, the challenge has remained unsuccessful before the learned single Bench.

4. Learned counsel for the appellant vehemently argued that in terms of the guidelines issued, the services of the appellant cannot be dismissed as she is the first offender. He relies upon an order passed by the learned single Bench of this Court in CWJC No.

23835 of 2012 on 01.04.2014.

5. We have heard learned counsel for the parties and find no merit in the present Letters Patent Appeal. Firstly, the appellant is not the first offender as there was allegation of committing irregularity in the distribution of ration under the Take Home Scheme earlier as well.

6. Still further, the appellant has not produced the guidelines. It appears that such guidelines were issued subsequent to the order of termination of the appellant passed against her on 23.02.2012.

7. Since, there were irregularities pointed out in the working of the appellant as Anganbari Sevika, we do not find any illegality in the order of her removal. The letters Patent Appeal is, accordingly, dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Sujit/Anjani

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