

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.21717 of 2013

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1. Mamta Rai W/o Anil Kumar Rai, resident of Village- Bhada, Police Station- Harsidhi, District- East Champarn
 2. Sadeka Khanam W/o Ajad Khan, resident of Village Laxmanwa, Police Station- Harsidhi, District- East Champaran
 3. Bibha Devi W/o Prabhu Thakur, resident of Village- Matariya, Police Station- Harsidhi, District- East Champaran
 4. Sofatun Khatoon W/o Nasruddin Ansari, resident of Village- Motariya, District- East Champaran

.... Petitioners

Versus

1. The State of Bihar through the Secretary Department of Social Welfare, Govt. of Bihar, Patna
2. Director, I.C.D.S., Govt. of Bihar, Patna
3. District Programme Officer, Motihari, East Champaran
4. Child Development Project Officer, Harsidhi, East Champaran

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Advocate

For the Respondent/s : Mr. RAJESH KUMAR

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL JUDGMENT

Date: 17-03-2016

Heard learned counsel for the petitioners and the respondents.

2. The petitioner nos. 1, 2 and 3 are Anganbari Sevika working under different centers under Harsidhi Block in the district of East Champaran, whereas the petitioner no. 4 is working also as Anganbari Sahaika under the same block and district.

3. The petitioners have challenged the order, dated 16.08.2013 of District Programme Officer, East Champaran cancelling their engagement.

4. The petitioners submit that the termination order has been passed solely on the ground that they were found absent at the time of inspection. The petitioners have furnished some explanation for their absence, though the explanation furnished by them may not be convincing. Nonetheless, this Court is of the view that the punishment of disengagement of the petitioners would be too harsh in the facts and circumstances of the case. Learned counsel for the petitioners has placed reliance the decision in the case of Punam Kumari Vs. The State of Bihar & Ors., reported in 2011 (3) PLJR 140.

5. In the result, the impugned order of disengagement of the petitioners is set aside with liberty to the respondents to substitute any other punishment, for the punishment of disengagement. It is made clear that the petitioners would not be entitled to back wages for the period they were out of service. It is further observed that any further discrepancies in future would be viewed seriously.

6. This application is allowed to the extent mentioned above.

(Samarendra Pratap Singh, J.)

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