

## IN THE HIGH COURT OF JUDICATURE AT PATNA

### Civil Writ Jurisdiction Case No.12613 of 2013

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Manju Kumari Wife of Bhuwaneshwar Chaudhary resident of mohalla - Bagmali,  
Ward No.5, Police Station - Hajipur, Post Office - Hajipur, District – Vaishali.

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. The Collector, District - Vaishali
3. The Deputy Collector at District Vaishali
4. The District Programme Officer, District - Vaishali
5. The Children Development Project Officer, At Hajipur, District - Vaishali
6. Amrita Priyatam Wife of Dilip Kumar Sah resident of mohalla - Bagmali,  
Ward No.5, P.S. - Hajipur, P.O.Hajipur, District – Vaishali.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Md. N. Seraj, GP-5

For the Respondent/s : Mr. Surendra Kishore Thakur

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**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**

ORAL JUDGMENT

**Date: 08-11-2016**

Heard learned counsel for the petitioner and learned  
counsel for the State.

In this case, the petitioner is challenging the order dated  
10.05.2013 and the subsequent order no. 1971 dated 10.08.2013,  
thereby the petitioner has been removed from holding the post of  
Anganwari Sevika.

As per the fact involved in the present case, Amrita  
Priyatam, Respondent no. 6 was selected as Anganwari Sevika with  
respect to Ward No. 5, Centre No. 9, there the District Programme  
Officer made inspection and found irregularities with respect to fact



that out of 56 children to whom the benefit of THR was granted where from 46 children was from the feeder area and 10 children from the outside area, become a ground for removal of Respondent no. 6. Thereafter, a fresh selection was made in which the present petitioner was selected as Anganwari Sevika, but Amrita Priyatam, Respondent no. 6 being aggrieved by the order of District Programme Officer approached the Collector by way of filing a Miscellaneous Case No. R 158/2010-11 and the District Magistrate without hearing the newly appointed Anganwari Sevika, namely, Manju Kumari, petitioner, set aside the order of her appointment and allowed the Appeal of Respondent no. 6.

The short ground has been taken by the petitioner that no adverse could have been passed without hearing the petitioner. The counsel for the respondent does not dispute this facet of argument. In view of appellate authority order Respondent no. 6 has been reinstated. As order has been passed without giving any hearing, in such view of the matter, the order dated 10.05.2013 cannot be allowed to sustain, the same is quashed and the matter is remanded back to the Collector, who will pass a fresh order after giving opportunity of hearing to the person affected from the order passed by him.

The petitioner and respondents are directed to appear before the Collector, who will hear both the sides and take decision in

accordance with law within a period of four months from the date of receipt or production of a copy of this order.

With the above observation/direction, this petition is allowed.

**(Shivaji Pandey, J)**

Mahesh/-

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