

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1056 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 3053 of 2015
Along with
Interlocutory Application No.4384 of 2015

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Bharti Devi, wife of Late Jaybaind Thakur, resident of village-Govindpur Arrah West, P.O.-Sanskrit Nirmali, P.S.- Pratapganj, District-Supaul.

.... Petitioner- Appellant

Versus

1. The State of Bihar through the Principal Secretary, Department of Social Welfare, Government of Bihar, Patna.
2. The Director, I.C.D.S. Bihar, Patna.
3. The Deputy Director (Welfare), Koshi Division, Saharsa.
4. The District Magistrate, Supaul.
5. The District Programme Officer, Supaul.
6. The Child Development Project Officer (C.D.P.O.), Raghampur, District-Supaul.
7. The Women Supervisor, Triveniganj, District-Supaul.

.... Respondents-Respondents

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Appearance :

For the Appellant : Mr. Pramod Mishra, Advocate

For the Respondents : Mr. Brajesh Kumar, A.C. to A.A.G.-11

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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.4384 of 2015

The application is for condonation of delay of 22 days in filing of the appeal.

For the reasons mentioned in the application and explained by the learned counsel for the appellant, we find that sufficient cause is made out for condonation of delay. Consequently, the delay of 22 days in filing of the appeal is condoned.

Interlocutory Application stands allowed accordingly.

Re.: Letters Patent Appeal No.1056 of 2015

The challenge in the present Letters Patent Appeal is to an order dated 24th February, 2015 whereby challenge to the order of termination of the service of the appellant as *Anganwari Sevika* on 30th November, 2012 remained unsuccessful.

The appellant was served with the show cause notice (Annexure-1 to the writ application) consequent to inspection of Anganwari Centre by Smt. Pragati Anand on 28th June, 2012 around 11.45 Noon. The appellant was informed that menu and beneficiary charts were not displayed, nor the Take Home Ration (T.H.R.) were being distributed in the required quantity. The appellant filed a detailed reply on 28th September, 2012 wherein, the stand of the appellant is that Smt. Pragati Anand initially reached the centre at 12 P.M. and by that time, the centre was closed. Some children were being sent to their homes by the helper, whereas the menu and the beneficiary charts were torn by the children and therefore, the menu and the beneficiary charts could not be displayed at the centre. It is also mentioned that food grains under the Take Home Ration are supplied less as the Government pays the less than the market price.

After considering the reply, the District Programme Officer, Supaul passed an order of termination of the services of the



appellant on 30th November, 2012. Aggrieved against the said order, the appellant filed an appeal which stands dismissed on 21st of January, 2015. A copy of the order is attached as Annexure-4 to the writ application. Challenge to the said order remained unsuccessful before the learned Single Bench and, hence, the appellant is in the present Letters Patent Appeal.

Learned counsel for the appellant has vehemently argued that the copy of the inspection report was not supplied to the appellant and on this ground alone, the termination order is vitiated. Unless adverse material is supplied to the appellant, no action could be taken against her without making her aware of a circumstance appearing in the inspection report against her.

We do not find any merit in the argument raised. In the show cause notice, the deficiencies found out at the time of inspection have been clearly mentioned. A perusal of the reply shows that the appellant was aware of the deficiencies noticed and tried to explain the same. Still further, the appellant has not made any grievance for demand of inspection report before submitting her reply. The appellant was aware of the deficiencies pointed out in the inspection and that is why she responded each of the deficiency in her reply. Considering the reply, an order has been passed by the competent authority and such order has not been interfered with in appeal and also by the learned Single Bench.

In view of the deficiencies noticed during inspection on the basis of which show cause notice was served upon the appellant, we do not find that there is any illegality in the order of termination passed by the competent authority. The deficiencies noticed were communicated to the Appellant and was asked to explain. She has submitted her explanation, which has not been accepted. Thus, We do not find that she has suffered any prejudice, even if there was an inquiry report.

In view thereof, we do not find any error in the order passed by the learned Single Bench which may warrant interference in the present intra court appeal.

The Letters Patent Appeal thus stands dismissed.

(Hemant Gupta, J.)

(Ahsanuddin Amanullah, J.)

Sunil/-

AFR/NAFR	
CAV DATE	N. A.
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