

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15755 of 2013

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Sharda Devi, Wife of Rajesh Kumar, Resident of village and P.O. Madanpur, P.S. Ekangarsarai, District - Nalanda

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Govt. of Bihar, Patna
2. The Director, I.C.D.S., Directorate, Social Welfare Department, Bihar, Patna
3. The District Magistrate, Nalanda at Biharsharif
4. The District Programme Officer, District - Nalanda at Biharsharif
5. The Child Development Project Officer, Ekangarsarai, District - Nalanda

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Karn, Advocate

For the Respondent/s : Mr. Madhuresh Prasad

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL JUDGMENT

Date: 29-01-2016

Heard learned counsel for the petitioner and the respondents.

2. The petitioner was appointed as Anganbari Sewika in the year 1999 at Centre no.118 (Madanpur) Block Ekangarsarai in the district of Nalanda. The petitioner was terminated from service vide order as contained in Memo no. 2609, dated 28.06.2012, issued under the signature of District Programme Officer, Nalanda, as the petitioner was found absent from her centre.

3. Being aggrieved, the petitioner filed C.W.J.C. No. 19406 of 2012. The petitioner has challenged the order on two grounds: Firstly, the impugned order has been passed without giving



an opportunity of show-cause. Other ground is that she had gone for family survey in another centre as per direction of the office of the Child Development Project Officer. This Court vide order dated 09.05.2013 quashed the order of termination on the ground that the same has been passed without providing any opportunity of hearing to the petitioner. Thereafter the petitioner was heard and on hearing, her service has again been terminated.

4. Assailing the impugned order, the petitioner has reiterated her earlier stand that she had gone to another centre along with Aanganbari Sevika of another centre for family survey. The District Programme Officer rejected her contention that she ought not to have gone for family survey of another centre by closing her own centre and terminated her service.

5. Though the reasons given by the District Programme Officer while rejecting the representation of the petitioner cannot be faulted with. Nonetheless, in view of nature of act of omission and commission, which was first of this kind committed by the petitioner, I am of the view that the order of punishment is harsh and excessive.

6. In the result, the impugned order of termination is set aside. The petitioner would not be entitled for any remuneration for the period that she had been out of service and the punishment

could be substituted by giving warning. The District Programme Officer can give warning to the petitioner that in case if she is found wanting in a work, appropriate steps in accordance with law can be again initiated against her.

7. This application stands allowed.

(Samarendra Pratap Singh, J.)

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