

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1380 of 2014

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Hira Muni Devi W/O Sri Bhagwan Singh Resident Of Village- Jhalkhoria, Post
Office- Koath, Police Station- Dawath, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Social and Welfare Department, Government of Bihar,
Patna.
3. The Director, Integrated Child Development Scheme, Government of Bihar,
Patna.
4. The Commissioner, Patna Division, Patna.
5. The District Magistrate, Rohtas at Sasaram.
6. The District Programme Officer, Rohtas at Sasaram.
7. The Child Development Project Officer, Dawath, Rohtas.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. ANIL KUMAR DWIVEDI, Advocate

For the Respondent/s : Mr. Deepak Sahay Jamuar, A.C. to AAG-4

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 17-08-2016

Heard Mr. Anil Kumar Dwivedi, learned counsel
appearing for the petitioner and Mr. Deepak Sahay Jamuar, Assisting
Counsel to AAG-4.

The petitioner is aggrieved by the order dated 14.10.2011
of the District Programme Officer, Rohtas at Sasaram in Case No. 24
of 2011-12 whereby her services as Anganbari Sevika, Centre No. 56
Bairia in the district of Rohtas has been terminated and the ground is
that she has not deposited the purchase vouchers in respect of the
period October, 2007 to March, 2008. The order has been affirmed in



Appeal by the District Magistrate, Rohtas when Appeal No. 22 of 2011 of the petitioner was dismissed vide order passed on 14.9.2012 impugned at Annexure-10 and which view stands endorsed by the revisional authority at Annexure-11 whereby the Miscellaneous Appeal No. 3 of 2013 was dismissed by the Commissioner, Patna Division vide order passed on 03.09.2013 / 31.10.2013 impugned at Annexure-11. The reason for dismissal is already eloquent from the discussion above and which is, non-deposit of the purchase vouchers for the period October, 2007 to March, 2008. An explanation was called for from the petitioner by the District Programme Officer vide Memo No. 528 dated 13.7.2011 placed at Annexure-C to counter affidavit of the State in which it has been mentioned that although the petitioner has deposited the purchase vouchers for the period April, 2008 to May, 2011 for verification but the purchase vouchers for the period in question i.e. October, 2007 to March, 2008 has not been deposited. The petitioner was directed to explain as to why her services be not terminated. The petitioner filed her reply which is present at Annexure-7 and 8 to the writ petition and in which she has specifically stated that she has already deposited the purchase vouchers for the period in question and copies of which also was enclosed with the reply as is manifest from her representation at Annexure-8. In fact copies of the purchase vouchers have also been



enclosed by the petitioner in this writ petition for the period in question apart from other vouchers. A perfunctory order is passed thereafter by the District Programme Officer in which there is no discussion on the explanation given by the petitioner. It is also not mentioned whether the stand taken by the petitioner was correct and whether the vouchers so submitted by her was traced out and found to be genuine. In fact there is absolutely no discussion on the explanation given which is present at Annexure-7 and 8. The District Programme Officer simply proceeding on the charge has dismissed the petitioner by the impugned order dated 14.10.2011 and which view stands endorsed by the superior authorities. Unfortunately, none of them have bothered to satisfy themselves with the stand taken by the petitioner regarding deposit of the purchase vouchers, copies of which was enclosed in her reply.

Another relevant feature of this proceeding is that while the vouchers relate to the period October, 2007-08, the District Programme Officer in his own leisure has called for an explanation after four years, while accepting that the petitioner has deposited the purchase vouchers for the subsequent period i.e. April, 2008 to March, 2011. The reason is not given as to the circumstances, the District Programme Officer doubted the petitioner in respect of the voucher relatable to the period earlier thereto and more than three

years back.

Be that as it may, considering the materials on record, the charge in question and the explanation given by the petitioner in the backdrop of the purchase vouchers present at Annexure-1 series, the order passed by the District Programme Officer is held a perversity for it does not take notice of the materials relied upon by the petitioner and for the same reason its affirmation by the superior authorities, also cannot be upheld.

For the reasons so mentioned, the orders impugned at Annexure-9, 10 and 11 cannot be upheld and are accordingly quashed and set aside. The writ petition is allowed. The petitioner stands restored to her post.

(Jyoti Saran, J)

S.Sb/-

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