

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.285 of 2014
In
LPA 1017 of 2013

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Anita Sinha

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kameshwar Kumar

For the Respondent/s : Mr. Avinash Kumar

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

6 21-07-2016 Heard Mr. Kameshwar Kumar, learned Counsel for the
appellant-petitioner, and Mr. Avinash Kumar, learned Counsel
appearing on behalf of respondents-State.

This application seeks review of the direction given by
the order, dated 15.05.2014, passed in L.P.A No. 1017 of 2013,
which arose out of C.W.J.C. No. 3757 of 2013. The material facts,
having been made explicit in the order, under review, are
reproduced below:-

*"In view of letter no. 8088 dated 5.10.2013 of the
Incharge Officer, Public Grievance Cell, addressed to the District
Magistrate, Nalanda after enquiry holding that the lady Supervisor
never made any enquiry on the spot and which was the foundation
for action against the appellants wrongly affirmed by the
Programme Officer, the order of termination of the appellant as
Anganwari Sevika at Village Bhubhi (West), Centre No. 59, District
Nalanda becomes unsustainable. The appellant is held entitled to
reinstatement.*

*Public powers given for a public purpose has to be used
for public good. Anganwari Sevikas, appointed for dissemination of
welfare scheme, may be answerable for dereliction of duties. But*

when the power given to a public functionary to ensure discharge of duties by an Anganwari Sevika is abused, the person exercising the power becomes personally answerable. Power inheres in the chair and not the individual.

The Government is not answerable in the present case. The answerability lies individually with the Lady Supervisor concerned and the District Programme officer. The appellant is held entitled to full honorarium for the period that she was wrongly kept away from discharge of duties as Anganwari Sevika. It shall be paid to the appellant by the State Government immediately and recovered from the concerned after due opportunity. The State Government will also examine the feasibility and need for departmental proceeding against the concerned who in an enquiry by the authorities themselves have been held to have abused their powers.

The order under appeal dated 3.7.2013 and the orders for removal of the appellant are held to be unsustainable. They are all set aside.”

In view of the fact that the review petitioner has not been able to show any infirmity, legal or factual, in the order, which is sought to be reviewed, we do not find that the order, in question, calls for any review.

In view of the above and in the interest of justice, this review application is dismissed.

(I.A. Ansari, ACJ)

(Anjana Mishra, J)

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