

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No 611 of 2013

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1. The State Of Bihar
 2. The Director, ICDS, Department Of Social Welfare, Government of Bihar, Patna
 3. The Divisional Commissioner, Magadh Division, Gaya
 4. The District Magistrate, Gaya
 5. The District Programme Officer, Gaya
 6. The Child Development Project Officer, Tekari, Dist.- Gaya

.... Appellant/s

Versus

Raj Kumari Devi W/O Sri Satyendra Paswan R/O Village- Singhapur, P.S.- Tikari,
District- Gaya

.... Respondent/s

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Appearance :

For the Appellant/s : Mr Narendra Kumar, AC to SC 22

For the Respondent/s : Mr Binay Kumar, Advocate

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CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH

And

HON'BLE JUSTICE SMT NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR JUSTICE NAVANITI PRASAD SINGH)

Date: 01-07-2016

Heard learned counsel for the State and learned counsel
for contesting private respondent who is the writ petitioner.

2 The writ petition was filed challenging the order of the
District Magistrate, Gaya as affirmed by the Divisional
Commissioner, Magadh Division, Gaya by which writ petitioner's
appointment as Angan Bari Sewika was terminated.

3 The learned Single Judge held the order unsustainable
on grounds of perversity and incomplete application of mind.

4 Having perused the records and hearing the parties, in
our view, the judgment and order of the learned Single Judge cannot

call for any interference.

5 The sole issue, which has not been disputed is that on inspection at 9.30 am on 25.01.2008, the Angan Bari Sewa Kendra of the writ petitioner was found closed. For this, the writ petitioner's services are being dispensed with by order of the District Magistrate dated 18.12.2011 as passed in Case No 20 of 2011.

6 Writ petitioner's defence all along was that severe cold wave conditions were prevailing and all schools and educational institutions for children were closed by order of the District Magistrate himself. This is not disputed. Angan Bari Sewa Kendra is established for giving food and assistance to minor children. It is, in that view of the matter, the Angan Bari Sewa Kendra was found to be closed. There is no dispute with regard to cold wave condition and the order of the District Magistrate. These facts have not been traversed in any manner by the authorities dealing with this matter. This was the sole issue. The authorities proceeded merely that on inspection, the Kendra was found closed and, therefore, the appointment had to be terminated. There cannot be such a straight jacket approach.

7 Thus, we are not inclined to interfere in the matter. This appeal is dismissed.

(Navaniti Prasad Singh, J)

(Nilu Agrawal, J)

M.E.H./-

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