

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12323 of 2014

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Reeta Devi, Wife of Rajesh Ram, Resident of village- Bahuara, P.S. Jagdishpur,
District Bhojpur, Arrah

.... Petitioner

Versus

1. The State of Bihar
 2. The District Magistrate, Bhojpur.
 3. The Deputy Director, Welfare, Patna Division, Patna.
 4. Director, I.C.D.S. Bihar, Patna.
 5. The District Programme Officer, Bhojpur.
 6. The Child Development Project Officer, Jagdishpur, Bhojpur, Arrah
- Respondents
- =====

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate

For the Respondent/s : Mr. Nirbhay K. Singh, G.P. 26

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL JUDGMENT

Date: 10-03-2016

Heard learned counsel for the petitioner and the
respondents.

2. The petitioner was engaged as Anganbari Sevika of Centre no. 83 Bahuara under Jagdishpur Block in the district of Bhojpur, in the year 2002. She has assailed the order, dated 21.07.2012 passed by the District Programme Officer, Bhojpur canceling her engagement as well as order, dated 28.04.2014 passed by Deputy Director, Welfare, Patna Division, Patna in appeal affirming the order of cancellation.

3. It appears that the District Programme Officer, Bhojpur while canceling the engagement of the petitioner noticed that she was not present at the Centre on 24.05.2000 at 10 'o' clock. He

further observed that she does not run the centre every day. Furthermore, list of beneficiaries are also not disclosed. Earlier also the Mukhia too found her absent from the centre.

4. Learned counsel for the petitioner submits that the appellate court while affirming the order, dated 21.07.2012 has not come to a finding that the petitioner was not present at the centre. He submits that he came to the aforesaid finding on the ground that the centre was closed and as such she would not be present at the centre. According to the petitioner, there is no finding that in fact she was not present there at all.

5. In my view, though the inference may not be totally incorrect, but there ought to be a finding that petitioner was not present. In the result, the order dated 28.04.2014 is set aside and the matter is remitted to the Deputy Director Welfare, Patna Division, Patna to hear the parties again and to pass a fresh order in accordance with law.

6. This application stands disposed of.

(Samarendra Pratap Singh, J.)

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