

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3751 of 2016

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Minta Devi, Wife of Raj Kumar Yadav, Resident of Village- Tetaria, P.S.- Pali, District-
Jahanabad.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Social Welfare Department, Govt. of Bihar.
3. The Director, I.C.D.S., Govt. of Bihar, Patna.
4. The District Magistrate, Jehanabad.
5. The District Programme Officer, Jehanabad.
6. The Child Development Project Officer, Kako, Jehanabad.
7. Smt. Kumari, Soni W/o Raju Kumar Malakar, R/o Village- Teteria (Ward No.1) P.O.-
Khalilabad Netoul, Panchayat- Uttar Serthu, District- Jehanabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Kumar, Adv.
Mr. Syed Asgher Najmi, Adv.

For the Respondent/s : Mr. Prabhakar Jha, GP-27
Mr. Umesh Narayan Dubey, AC to GP-27

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 18-03-2017

Heard Mr. Shashi Bhushan Kumar, learned counsel appearing
for the petitioner and Mr. Prabhakar Jha, learned Government Pleader
No.27 for the State.

The petitioner, an ex-Anganwari Sevika at Anganwari Kendra,
Tetaria, Code No.26 in the district of Jehanabad questions her termination
order dated 6.5.2015 passed by the District Programme Officer,
Jehanabad, a copy of which is present at Annexure-3 as affirmed by the
District Magistrate, Jehanabad when the appeal so preferred by the
petitioner present at Annexure-4 was dismissed on limitation in absence
of a petition for condonation of delay vide order passed on 29.12.2015.

The allegation against the petitioner is of her continued
absence from the centre and the reason is, her involvement in a criminal
case.



Although it is the argument of Mr. Shashi Bhushan Kumar, learned counsel appearing for the petitioner that the petitioner has since been acquitted in the criminal case vide judgment and order present at Annexure-5, but despite the situation, the fact would remain that the petitioner was taken into custody following her accusation in the criminal case and it is her continued absence from the centre which is the foundation for her termination which, in my opinion, requires no interference.

A meek attempt is made by Mr. Shashi Bhushan Kumar, learned counsel appearing for the petitioner to question the termination order on grounds that no notice was served but considering that there is no dispute that the petitioner was behind the bars, the reasons for non-service of notice, becomes obvious.

A prayer is next made by Mr. Shashi Bhushan Kumar to remit the matter before the District Magistrate, Jehanabad for rehearing of the appeal but considering that the appeal filed by the petitioner did not accompany the petition for condonation of delay, I am not persuaded to grant indulgence in this prayer either.

The writ petition is dismissed.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
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