

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5539 of 2014

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1. Meena Kumari @ Meena Devi W/O Bhushan Paswan Resident Of Village -
Kundi, P.S. Noorsarai, Distt . Nalanda Petitioner/s

Versus

1. The State Of Bihar through Social Welfare Dept. Govt. Of Bihar
2. The Commissioner, Patna Division, Patna
3. The District Magistrate, Biharsharif, Nalanda
4. The District Programme Officer, Biharsharif, Nalanda
5. C.D.P.O., Block - Noorsarai, Distt. Nalanda Respondent/s

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Appearance :

For the Petitioner/s : Mr. RAJESHWAR SINGH

For the Respondent/s : Mr. SC2- NAWAL KISHORE SINGH

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 11-10-2017

Heard both sides.

The petitioner is aggrieved by the order dated 31.05.2012 passed by the District Programme Officer, Nalanda, as contained in memo No. 2059 (Annexure-5), by which the engagement of the petitioner as Anganwari Sevika of Anganwari centre, Kundi, Code-79, Noorsarai, Nalanda has been cancelled. The petitioner is further aggrieved by the order dated 08.11.2012 passed by the District Magistrate, Nalanda in Appeal case No. 102 of 2012 (Annexure-6) whereby the appeal of the petitioner has been rejected. The petitioner is also aggrieved by the order dated 08.08.2013 passed by the Commissioner, Nalanda in Misc. Appeal No. 592 of 2012 (Annexure-7) by which revision appeal of the petitioner has been rejected and the order of District Programme Officer has been confirmed.

The petitioner was working as Anganwari Sevika at Centre No. 79, Kundi, Noorsarai but on 27.04.2012 inspection of the Centre was made and the same was found closed. Show cause was asked from the petitioner and she replied that on account of illness she could not attend the



Centre.

The learned counsel for the petitioner submits that for absence of one day the service of the petitioner has been terminated without considering the fact that petitioner fell ill on the aforesaid date and the punishment is harsh. In a similar case of Prabha Singh and Gangiya Devi, this court in CWJC No. 4527 of 2014 held that punishment of dismissal for absence of one day is disproportionate to the charge and set aside the order of punishment of dismissal from service.

The learned counsel for the State, however, contended that on the date of inspection the petitioner was found absent.

Having considered the facts aforesaid, I find that the punishment of dismissal from service for one day absence is disproportionate to the charge. For one day absence the dismissal from service is not at all required unless the petitioner being, Anganwari Sevika, is found indulged in different irregularities and illegalities in providing service for fulfilling the object of the scheme. Accordingly, this writ petition is allowed and the impugned orders, as contained in memo No. 2059 dated 31.05.2012 (Annexure-5), order dated 08.11.2012 (Annexure-6) and the order dated 08.08.2013 (Annexure-7) are set aside.

(Prabhat Kumar Jha, J)

BKS/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	12.10.2017
Transmission Date	N.A.

