

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7798 of 2014

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1. Sushila Devi, Wife of Raghuvir Ram, Resident of Village Darve Bhadaur, P.S. Pandarak, District Patna (Terminated Anganwari Sahayika of Centre Bhadaur Dhari Tola)

.... Petitioner/s

Versus

1. The State of Bihar
2. The Director, ICDS, Bihar, Patna
3. The Deputy Director, ICDS, Directorate Welfare Patna Division, Patna
4. The District Magistrate, Patna
5. The District Programme Officer, Patna
6. The Child Development Project Officer, Pandarak, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey

For the Respondent/s : Mr. A K Sinha AC to GP 24

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 28-07-2017

Heard both sides.

The petitioner seeks quashing of the order dated 16.04.2013 passed by the District Programme Officer, Patna in Case No. 173 of 2013 (Annexure-4) whereby and whereunder the District Programme Officer, Patna has cancelled the selection of the petitioner from the post of Anganbari Sahayika of Centre No. 125 for her absence of one day and the petitioner further seeks quashing of the order dated 14.08.2013 passed by the Deputy Director, Directorate Welfare Patna Division, Patna in Anganbari Appeal Case No. 6/2013-14 (Annexure-5).

The petitioner assailed the order on the sole ground that the petitioner fell ill and, therefore, she could not attend the centre to work as



Anganbari Sahayika on 16.11.2012. The petitioner gave her explanation annexing the medical certificate but the authority cancelled the selection of the petitioner from the post of Anganbari Sahayika on the sole ground of her absence for one day without giving information to Anganbari Sevika or the controlling authority.

On consideration of the facts, I am of the view that the order suffers from arbitrariness and not sustainable, as the petitioner has been working since 1997 on the post of Anganbari Sahayika and no complain was ever made against the petitioner. The petitioner remained absent on 16.11.2012 on account of her illness and she also submitted her explanation annexing the medical certificate but, that was rejected without any plausible reason and selection of the petitioner was cancelled.

Therefore, this Court finds that the order is palpably illegal and not in accordance with law, consequently the order dated 16.04.2013 (Annexure-4) passed by the District Programme Officer, Patna in Case No. 173 of 2013 and 14.08.2013 (Annexure-5) passed by the Deputy Director, Directorate Welfare Patna Division, Patna in Anganbari Appeal Case No. 6/2013-14 are set aside.

In the result, the writ petition is allowed.

(Prabhat Kumar Jha, J)

KKSINHA/-

AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	NA

