

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13074 of 2007

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Babita Kumari, wife of Sri Balmukund Singh, resident of Village- Jagdishpur,
Police Station- Kutumba, District- Aurangabad, Anganbari Sevika, Anganbari
Centre, Gram Panchayat Dumra, Police Station-Kutumba, District- Aurangabad.

.... Petitioner

Versus

1. The State of Bihar.
2. The Director, I.C.D.S. Bihar, Patna.
3. The Commissioner, Magadh Division, Gaya.
4. The District Magistrate, Aurangabad.
5. The Sub-Divisional Officer, Aurangabad.
6. The Child Development Project Officer, Kutumba, Aurangabad.
7. The Gram Panchayat, Dumra, Police Station, Kutumba, District Aurangabad,
through Panchayat Secretary.
8. The Mukhiya Gram Panchayat, Dumra, Police Station, Kutumba, District-
Aurangabad.
9. The Panchayat Secretary, Gram Panchayat Dumra, Police Station- Kutumba,
District- Aurangabad.
10. Smt. Renu Devi, wife of not known to the petitioner, resident of village-
Jagdishpur, Police Station- Kutumba, District- Aurangabad.

.... Respondents

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Appearance :

For the Petitioner : Mr. Rajendra Prasad Singh, Sr. Advocate.
Mr. Rajeev Kumar Singh,
Mr. Niranjana Kumar, Advocates.

For the Respondents : Mr. R.K. Verma, AC to SC-11

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 12-09-2017

I.A. No. 5790 of 2007

The Interlocutory Application has been filed for
amendment of prayer in the main writ petition as follows:

*“To quash of Memo No. 968 dated 4th December,
2007 passed by Block Development Officer, Kutumba,
Aurangabad whereby and whereunder the
respondent nos. 8 and 9 have been directed to
convene meeting on 10th October, 2007 at 11 A.M. for
selection of Anganbari Sevika/Sahayika in
Anganbari Centre, Jagdishpur and further to permit
the petitioner to implead the authority who has*



passed and issued Memo No. 968 dated 4th December, 2007 as respondent no. 11."

2. Having regard to the nature of the prayer made in the interlocutory application, the same is allowed and is treated as forming part of the writ petition.

3. I.A. No. 5790 of 2007 stands allowed.

C.W.J.C. No. 13074 of 2007

4. The present writ petition has been filed for quashing the Memo No. 596 dated 22nd August 2007 passed and issued by respondent no. 4 whereby and whereunder the appointment of the petitioner has been cancelled and further to direct and command the respondents authorities to reinstate the petitioner on her respective post with all benefits.

5. Learned Senior counsel Mr. Rajendra Prasad Singh, appearing on behalf of the petitioner makes a short submission to assail the impugned order of cancellation of her appointment, to the effect that such order has been passed without notice to show cause and any opportunity of hearing.

6. Learned counsel for the State appears and relies on its counter affidavit to oppose the stand of the petitioner.

7. Having heard the parties and on a consideration of the materials on record, this Court finds merit in the writ petition. The petitioner has taken a specific stand in para-10 of the writ petition with regard to the impugned order having been passed without notice to show cause and opportunity of hearing. In the counter affidavit, no



specific detailed has been given in para-6 of the counter affidavit which addresses paras-10 and 11 of the writ petition, merely a bald assertion has been made that the relevant statements are wrong and denied. No details of any notice issued to the petitioner nor details of the opportunity granted to the petitioner have been given. The impugned order does not disclose the details of any notice or opportunity to the petitioner.

8. Despite notice to the respondent no. 10, none is present to represent her when the matter is called today nor was she represented on 21.08.2017 when this matter was taken up.

9. In the above circumstances, the impugned order contained in Memo No. 596 dated 22.08.2007 (Annexure-1) is accordingly set aside and the respondents are directed to reinstate the petitioner to her post without undue delay.

10. The writ petition stands allowed as above.

(Vikash Jain, J)

Md. Ibrarul/ BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	13 .09.2017
Transmission Date	N.A.

