

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.292 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 9516 of 2013**

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Manju Devi, Wife of Late Bhuwal Ram @ Satrudhan Ram, Resident of Village -
Sikatiya Sujan, P.O. - Pandeori, P.S. - Kateya, District - Gopalganj.

.... Appellant/s

Versus

1. The State of Bihar through the District Magistrate, Gopalganj, District - Gopalganj.
2. The District Magistrate - cum - Collector, District - Gopalganj.
3. The District Programme Officer, Gopalganj, District - Gopalganj.
4. The Child Development Project Officer, Kateya / Panchdeori, District - Gopalganj.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjay Kumar Pandey No-5, Advocate

For the Respondent/s : Smt. Binita Singh- SC-28

Mr. Siddharth Shankar Pandey, AC to SC-28

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 27-01-2017

I.A. No.1121 of 2016

The application is for condonation of delay of 1 year
and 154 days in filing the Letters Patent Appeal.

2. For the reasons mentioned in the Interlocutory
Application, we are satisfied that the appellant has shown sufficient
cause to seek condonation of delay in filing the present Letters
Patent Appeal.

3. Consequently, Interlocutory Application No. 1121



of 2016 is allowed and delay in filing the Letters Patent Appeal is condoned.

L.P.A. No.292 of 2016

The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Bench on 13th of May, 2014 in C.W.J.C. No. 9516 of 2013 whereby, challenge to her removal as an Anganbari Sevika was not interfered with.

2. The centre at which the appellant was an Anganbari Sevika was inspected on 21st of March 2012 and a show cause was served upon the appellant on account of irregularities found during inspection. After considering the reply, an order of her removal was passed by the District Programme Officer on 10.10.2012. The said order has not been interfered with by the learned District Magistrate and the learned Single Bench has dismissed the writ petition *in limine* preferred against such order.

3. Learned counsel for the appellant has filed an interlocutory application on 25th of January, 2017 wherein he has referred to the inspection carried on 14.9.2010 in support of her plea that the centre was being run properly. We do not find any merit in such contention. The action has been taken against the appellant for not running the centre properly in the inspection carried on 21st of March, 2012, i.e. almost two years later. Therefore, if on a particular



date in the year 2010, the centre was found running properly, that cannot be a ground to condone the malfunctioning of the centre at the time of later inspection. It is in pursuance of the show cause notice and reply thereto, the action has been taken against her by the District Programme Officer and such finding has not been interfered with by the learned District Magistrate and by the learned Single Bench.

4. Consequently, we do not find any merit in the present Letters Patent Appeal. The same is dismissed.

(Hemant Gupta, ACJ)

(Sudhir Singh, J)

K.C.jha/-

AFR/NAFR	NAFR
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