

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.23107 of 2013

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Bibi Fatima @ Fatma W/O Md. Jalaluddin R/O Village- Rehuwa, Under
Chhatiyona Gram Panchayat, P.S- Raniganj, District- Araria.

.... Petitioner

Versus

1. The State of Bihar, through the Secretary, Primary Education Department,
Government of Bihar, Patna.
2. The District Magistrate-Cum- Collector, Araria.
3. The District Programme Officer, Araria.
4. The Child Development Project Officer, Raniganj, Araria.
5. The Mukhiya, Gram Panchayat Raj, Chhatiyona P.S- Raniganj, District- Araria.
6. The Block Development Officer, Raniganj, District- Araria.

.... Respondents

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Appearance :

For the Petitioner : Mr. Ashok Kumar Choudhary
Mr. Amish Kumar jha
Mr. Shankar Kumar Choudhary

For the Respondents : Mr. Deepak Sahay Jamvar, AC to AAG-4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 18-09-2017

Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The present writ petition has been filed for quashing
the order dated 18.06.2009 (Annexure-2) bearing letter no. 462 passed
by the respondent no. 3 whereby and whereunder the services of the
petitioner as Aaganwari Sahayika of Aaganbari Centre No. 275 under
Gram Panchayat Raj, Chhatiyona, Raniganj, District- Araria has been
terminated; for quashing the order dated 16.03.2010 (Annexure-4)
passed in Misc. Case No. 80/2009-10 passed by the respondent no. 2



whereby and whereunder the statutory appeal preferred by the petitioner against the order of termination has also been dismissed affirming the same; and to reinstate the petitioner back to the post of Aaganbari Sahayika at Centre No. 275 with all consequential benefits.

3. Learned counsel Mr. Ashok Kumar Choudhary appearing on behalf of the petitioner raises a short submission to impugn the validity of the order of termination and the appellate order, to the effect that the order of termination has been passed in violation of natural justice as no show cause notice has been issued prior thereto. It is submitted that the facts of the case of the petitioner being the Anganbari Sahayika stands on almost identical footing as those of the Anganbari Sevika, Hirawati Devi @ Hirabati Devi who had earlier approached this Court in C.W.J.C. No. 10621 of 2011 which was allowed by order dated 23.09.2013.

4. Learned counsel for the respondents appears and opposes the petition on the basis of the counter affidavit filed on behalf of the respondent no. 2. He is however unable to controvert the stand of the petitioner that her case is similar to the case of the Anganbari Sevika, Hirawati Devi @ Hirabati Devi.

5. Having heard the parties and on a consideration of the materials on record, this Court is of the view that the petitioner's case stands on similar footing as that of Anganbari Sevika, Hirawati Devi @ Hirabati Devi, in which the writ petition has already been allowed by



this Court on grounds of violation of natural justice.

6. In this view of the matter, the present writ petition is allowed in line with and on the same terms as C.W.J.C. No. 10621 of 2011.

(Vikash Jain, J)

Md. Ibrarul/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	20.09.2017
Transmission Date	N.A.

