

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15196 of 2013

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1. Gunjan Kumari , wife of Shri Raj Kumar, resident of Village Kajra, Police Station Raniganj, District Araria
2. Sulekha Devi, Wife of Shri Digambar Lal Das, resident of Village Kamalpur, Police Station Raniganj, District Araria
3. Neelam Kumar, Wife of Jaishankar Prasad Singh, Resident of Village kajra, Police Station Raniganj, District Araria
4. Saroj Devi, Wife of Sachchidanand Mandal, Resident of Village Pachira, Police Station Raniganj, District Araria
5. Bibi Rafatjahan, Wife of Md. Hasibur Rahman, Resident of Village Pachira, Police Station Raniganj, District Araria
6. Anuradha Devi, Wife of Suresh Prasad Yadav, Resident of Village Raghapur, Police Station Raniganj, District Araria
7. Anita Devi, Wife of Shri Narayan Goshwami, Resident of Village Raghapur, Police Station Raniganj District Araria.
8. Sharla Kumari, Wife of Kailash Singh, Resident of Village Kamaipur, Police Station Raniganj, District Araria
9. Kanchan Kaushik, wife of Manoj Kumar Mandal, Resident of Village Pachira, Police Station Raniganj, District Araria

.... Petitioners

Versus

1. The State of Bihar, through the Principal Secretary, Social Welfare Department, Bihar, Patna.
2. The Director, I.C.D.S., Directorate of Social Welfare, Patna, Bihar,
3. The District Magistrate, Araria.
4. The District Programme Officer, Araria.
5. The Child Development Programme Officer, Raniganj Block, District Araria.
6. The Circle Officer, Raniganj Block, District Araria.
7. The Jan Jagran Sakti Sangathan through its Secretary, A-5, Siddharth Apartment, Jagdeo Path, Bailey Road, Patna, Patna-800014 (Bihar).

.... Respondents

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Appearance :

For the Petitioners : Mr. Parmod Kumar, Advocate

For the Respondents : Mr. AC to GP 10

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 16-10-2017

Heard learned counsel for the petitioners as well as
learned counsel for the respondents.

2. The present writ petition has been filed for the
following reliefs –

“(i) For the issuance of appropriate writ or writs
quashing the order of termination of selection of the



petitioners as Anganwadi Sevika passed by the District Programme Officer on 29.09.2011;

(ii) For the issuance of appropriate writ or writs quashing the order dated 10.01.2013 passed by the Collector, Araira in Appeal No. 15 of 2011-12 whereby the appeal filed by the petitioners against the order of the District Programme Officer has been dismissed;

(iii) For issuance of an appropriate writ or writs, rule or directions especially in the nature of mandamus directing the respondent to reinstate the petitioners on the post of Anganwadi Sevika with all consequential benefits;

(iv) For issuance of an appropriate writ or writs, order/orders, direction or directions as your Lordships may deem fit and proper to the facts and circumstances of the case as well as for which the petitioners may be found entitled thereto”.

3. Learned counsel for the petitioners makes a short submission to challenge the legality of the impugned orders to the effect that prior to passing the order of termination, show cause notices were issued without, however, enclosing a copy of the social audit inspection report which was relied upon by the District Programme Officer for terminating the petitioners.

4. A counter affidavit has been filed on behalf of the respondents but however the stand of the petitioners in this regard has not been controverted and it has only been stated in paragraph 20 of the said counter affidavit that show cause notices were issued mentioning the charges levelled against the petitioners.



5. If the impugned order of removal has been passed on the strength of the findings arrived at on the basis of the social audit inspection report, then a copy of such report ought to have been supplied to the petitioners and the petitioners ought to have been confronted with the same prior to their removal which in this case has clearly not been done.

6. In this view of the matter, such failure on the part of the respondents has resulted in violation of the principles of natural justice. This aspect of the matter has not been considered by the appellate authority as well.

7. In the above view of the matter, the impugned orders are hereby set aside and the writ petition is allowed. It is made clear that the respondents shall be at liberty to issue fresh show cause notice to the petitioners and supply a copy of the social audit inspection report before fresh orders are passed by the District Programme Officer.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
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