

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10577 of 2013

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Sarita Devi wife of Banarasi Prasad resident of Village- Sarangpur, P.S.-
Bhabhua, District- Kaimur at Bhabhua

.... Petitioner

Versus

1. The State Of Bihar, through the Director of Integrated Child Development Scheme (I.C.D.S.) Bihar, Patna
2. The District Magistrate cum Collector, Kaimur at Bhabhua
3. Deputy Collector, Kaimur at Bhabhua
4. The District Programme Officer, Kaimur at Bhabhua
5. The District Welfare Officer, Kaimur at Bhabhua
6. Child Development Project Officer, Block Adhaura, Kaimur at Bhabhua

.... Respondents

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Appearance :

For the Petitioner : Mr. Tribhuwan Narayan, Advocate

For the Respondents : None

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 31-08-2017

The present writ petition has been filed for the following
reliefs—

“(I) To set aside the order dated 22.02.2013 passed by Collector-cum-District Magistrate, Kaimur at Bhabhua in Angawari Appeal No. 15/2012-13, confirming the order dated 30.06.2012 passed by the District Programme Officer, Kaimur at Bhabhua in Record No. 13/2012-13 (Annexure-7);

(II) To set aside the order dated 30.06.2012 passed by District Programme Officer, Kaimur at Bhabhua in Record No. 13/2012-13 whereby he terminated the petitioner from the post of Anganwari Sevika (Annexure-5).”

2. Learned counsel for the petitioner submits that
appointment of the petitioner as Anganwari Sevika has been



terminated in arbitrary manner and without consideration of the show cause in proper perspective. Before the authorities, the petitioner had duly drawn attention to the fact that on the date of inspection, namely, 07.02.2012, she was away from Anganwari Centre in order to attend the training programme held at Sadar Hospital, Bhabua pursuant to the letter of the District Training Officer. It is further pointed out that while a show cause dated 29.02.2012 asserts that in course of inspection, Anganwari Centre was found closed, the report of the C.D.P.O. dated 14.02.2012 clearly establishes that the Anganwari Centre was open and Anganwari Sahayka was present there though the petitioner was absent.

3. None appears on behalf of the State when the matter is called.

4. Having heard learned counsel for the petitioner and on careful consideration of the materials available on record, this Court finds merit in the writ petition. It is a matter of record that the C.D.P.O, Bhabua in course of inspection reported that Anganwari Centre was open and Anganwari Sahayka was present along with few children though the petitioner was absent, whereas the show cause states that the Centre was found closed in course of inspection. The impugned orders also proceed that the Anganwari Centre was open though the petitioner was not found there.

5. That apart, the petitioner has consistently raised the plea with regard to the reasons for absence from Anganwari Centre on



the date of inspection to the effect that she was attending the training Camp at Sadar Hospital, Bhabua, as directed by the District Training Officer, Bhabua. This aspect of the matter has completely been ignored by the authorities and as such, the impugned order cannot be treated to be a speaking order which has been passed without considering the relevant materials.

6. In the above view of the matter, the impugned order dated 22.02.2013 passed by Collector–cum-District Magistrate, Kaimur at Bhabua in Angawari Appeal No. 15/2012-13 (Annexure-7) and the order dated 30.06.2012 passed by the District Programme Officer, Kaimur at Bhabua in Record No. 13/2012-13 (Annexure-5) are set aside and the matter is remanded to the District Programme Officer, Kaimur, Bhabua for passing orders afresh after granting opportunity of hearing to the petitioner in accordance with law.

7. The writ petition stands disposed of.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
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