

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20619 of 2013

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Balamati Devi W/O Kedar Nath Singh Resident Of Village Tiskhora, P.S.
Masaurhi, District Patna

.... Petitioner

Versus

1. The State Of Bihar
2. The Director, Integrated Child Development Scheme (I.C.D.S.), Bihar, Patna
3. The Deputy Director, Welfare, Patna Division, Patna
4. The District Programme Officer, Patna
5. The Child Development Project Officer, Masaurhi, District Patna
6. The Lady Supervisor, Masaurhi, District Patna

.... Respondents

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Appearance :

For the Petitioner : Mr. S.K. Ranjan, Advocate

For the Respondents : Mr. Vijay Kumar Singh No. 1, AC to SC 18

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 03-10-2017

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

2. The present writ petition has been filed for quashing the order dated 13.02.2013 (Annexure-4) passed by the District Programme Officer, Patna whereby and whereunder the selection of the petitioner as Anganwari Sevika bearing Centre No. 08 (Tiskhora) under Masaurhi Block has been cancelled; to quash the order dated 04.09.2013 (Annexure-8) passed by the Deputy Director, Welfare, Patna Division, Patna by which the appeal preferred by the petitioner against the order dated 13.02.2013 has been rejected; and to direct the respondents to reinstate the petitioner as Anganwari Sevika in the aforesaid Centre



with all consequential reliefs.

3. Learned counsel for the petitioner makes a short submission to the effect that the impugned order by which she has been removed from the post of Anganbari Sevika is wholly arbitrary and the punishment awarded to her is disproportionate. It is submitted that on 08.09.2012 when the centre was inspected she was on leave which had been duly granted to her on her application dated 06.09.2012(Annexure-6).

4. As regards the inspection made on 15.09.2012, the centre could not be opened on time on account of rain. The petitioner however, managed to reach the centre after the rain stopped and thereafter '*poshaahar*' was prepared and distributed among the children as stated in her reply to show cause dated 13.02.2013 (Annexure-3). Learned counsel relies on a decision of a Division Bench of this Court in LPA No. 318 of 2013 (*Lalita Kumari vs. The State of Bihar & others*).

5. Learned counsel for the respondents appears and has been heard.

6. A Division of this Court in LPA No. 318 of 2013 (*Lalita Kumari vs. The State of Bihar & others*) (*supra*) while dealing with a matter of similar nature where non-acceptance of defence of illness to explain the absence of one day had resulted in termination of the appellant, observed as follows:-



“Learned counsel for the appellant submits that the removal was occasioned pursuant to an inspection done by a State Level Inspection Team and her defence of illness explaining absence of one day only has not been considered and rejected summarily as not satisfactory only.

The aspect of termination ordered by the District Programme Officer originating in an application by the State Level Inspection Team has been considered in detail by one of us (Navin Sinha, J.) reported in 2013(1) PLJR 901 (Manjula Kumari Vs. State of Bihar). The Appeal has to be allowed in similar terms.”

7. Having regard to the nature of the order passed in LPA No. 318 of 2013 (*Lalita Kumari vs. The State of Bihar & others*) (*supra*), this Court is of the view that termination of the petitioner as *Anganbari Sevika* cannot be sustained and the same is set aside. Accordingly, the writ petition stands allowed.

(Vikash Jain, J)

Chandran/BT

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