

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4052 of 2014

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1. Neha Wife Of Ranjan Kumar Resident Of Village - Hati Toli Rupauli, P.O. Sheela Lanath, P.S. Jankinagar & District - Purnea

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Secretary, Department Of Social Welfare, Government Of Bihar, Old Secretariat, Patna
3. The Director, Integrated Child Development Scheme, Indira Bhawan, East Boring Canal Road, Patna
4. The Divisional Commissioner, Purnea Division, Purnea
5. The District Magistrate, Purnea
6. The District Programme Officer, Purnea
7. The Child Development Project Officer, Dhamdaha, District - Purnea

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. BIMAL KUMAR

For the Respondent/s : Mr. Sumant. K. Singh, AC to GA 2

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 28-08-2017

Heard both sides.

The petitioner has challenged the order of her termination, as contained in memo No. 2933 dated 10.11.2012, passed by the District Magistrate, Purnea (Annexure-5) and the order of Commissioner (Appellate Authority) dated 26.06.2013 confirming her order of termination passed by the District Magistrate (Annexure-8).

The learned counsel for the petitioner submits that allegation against the petitioner is that she created false evidence and submitted report against Shiromani Devi, Anganwari Sevika, of centre No. 191 stating that no THR was distributed among the beneficiaries. It is further submitted that the petitioner in her show cause very categorically stated that on 21.01.2012 the



petitioner inspected the centre No. 191 at 10.30 A.M. and found the THR at the centre and, accordingly, made signature in the purchase register. The petitioner directed the Anganwari Sevika to distribute the THR among the beneficiaries but on the same day at about 4 P.M. the petitioner received telephonic message from the Head Clerk of the office to inspect centre No. 191 and the petitioner inspected the centre and at that time the C.D.P.O. was also present there. The C.D.P.O. dictated the petitioner to report about non distribution of THR and, accordingly, the petitioner reported that no THR was distributed and the centre was closed. On the basis of such report a proceeding was initiated against Shiromani Devi, Anganwari Sevika, but Shiromani Devi represented that on 21.01.2012 itself the Lady Supervisor, the petitioner, inspected the centre and found the THR stored at the centre and directed her to distribute the THR among the beneficiaries. The C.D.P.O. also endorsed the purchase register. She distributed the entire THR till 2 P.M. in presence of members of Panchayat Samiti and Mukhiya. On such order of termination of Shiromani Devi, Anganwari Sevika was set aside by the Commissioner, Purnea vide order as contained in Annexure-7 but allegation is made against the petitioner that she created false evidence and reported against Anganwari Sevika.

The learned counsel for the petitioner submits that petitioner did not create any false evidence nor reported against Shiromani Devi but at the dictates of the C.D.P.O. she reported that at 4 P.M. the centre was closed and the villagers stated in presence of C.D.P.O. that no THR was distributed. At that time the C.D.P.O. was also present but the C.D.P.O. reported against the petitioner after setting aside the order of termination of Shiromani Devi, Anganwari Sevika.

The learned counsel for the State, however, submitted that it was the petitioner who created false evidence.



It appears that petitioner inspected the centre on the telephonic message of the Head Clerk and when the petitioner inspected the centre the C.D.P.O. was also present. The petitioner reported about non distribution of THR at the dictates of the C.D.P.O. The petitioner appears to have been made scape goat. Earlier no complaint was made against the petitioner and for the solitary mistake, that too at the instance of the C.D.P.O., the service of the petitioner has been terminated. Thus, I find that the impugned orders, as contained in memo No. 2933 dated 10.11.2012, passed by the District Magistrate, Purnea (Annexure-5) and the order of Commissioner (Appellate Authority) dated 26.06.2013, confirming the order of termination passed by the District Magistrate (Annexure-8), are not sustainable. Accordingly, this writ petition is allowed. However, the petitioner shall not be paid any remuneration for the period she did not work.

(Prabhat Kumar Jha, J)

BKS/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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