

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11364 of 2014

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Punam Kumari W/o Sudhir Kumar Resident of Village - Bhadwar, P.S. Chandi,
District - Bhojpur at Ara Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Deptt. of Social Welfare,
Govt. of Bihar, Patna
 2. The Director, I.C.D.S., Govt. of Bihar, Patna
 3. The Deputy Director, Welfare, Patna Division, Patna
 4. The District Magistrate, Bhojpur at Ara
 5. The Distt. Programme Officer, Bhojpur at Ara
 6. The Child Development Project officer, Koilwar, Bhojpur at Ara ..Respondents
- =====

Appearance :

For the Petitioner : Mr. Ram Chandra Prasad Bharti, Advocate
For the Respondents : Mr. Naman, AC to AAG 10

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 11-12-2017

Counsel for the petitioner submits that order dated 13.2.2012, whereby petitioner's services as Anganbari sevika at Bhadwar centre under Koilwar Anchal, District Bhojpur has been cancelled is without affording her opportunity of hearing. Such submissions are not made in the writ petition.

2. Order dated 13.2.2012 (Annexure 3) issued by the respondent no.5 reflects that the petitioner had appeared before the authorities and submitted her explanation. Further submission on behalf of the petitioner is that on the similar allegations, others have been awarded punishment lesser than her. In support of the submission, he relies on letter dated 25.2.2012, issued by the District Programme Officer, respondent no.5.

3. Allegations and findings, in respect of said persons, against whom the petitioner has claimed parity, are not before this Court. It is not possible to examine whether the petitioner can claim parity with any of the said persons who have been awarded lesser



punishment. Further, this fact has never been raised by the petitioner in the Anganbari Appeal No. 51 of 2011-12, filed before the Appellate Authority, i.e., the Deputy Director, Welfare (respondent no.3), who after considering all the submissions made by the petitioner, vide order dated 26.3.2014 has upheld the order of the District Programme Officer.

4. Counter affidavit too supports the action taken by the respondents. It is specifically pleaded that the appellate order dated 26.3.2014 has been passed after affording the petitioner adequate opportunity in the matter. Referring to the appellate order, counsel for the State submits that in the last page of the order, the Appellate Authority has recorded that it heard both sides and perused the materials on record. The fact regarding the petitioner not having been afforded any opportunity before issuance of Annexure 3 is not supported from the materials placed on record.

5. In the facts of the case, the impugned order does not warrant any interference. The writ petition is accordingly dismissed.

(Madhuresh Prasad, J)

Shashi.

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CAV DATE	NA
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