

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.54 of 2017

Arising out of

Civil Writ Jurisdiction Case No. 953 of 2011

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Gayatri Kumari, wife of Binod Mahto @ Binod Kumar Mahto, resident of Lakhisarai Mahto Tola, P.S. & District Lakhisarai, at present posted as Sevika in Centre No. 57, Makuna PS and District-Lakhisarai.

.... Appellant/s

Versus

1. The State of Bihar through Director Child Development Project Bihar, Patna.
2. The Divisional Commissioner, Munger Division, Munger.
3. The District Magistrate Lakhisarai District Lakhisarai.
4. The District Welfare Officer, Lakhisarai District Lakhisarai
5. The District Statistical Officer, Lakhisarai District Lakhisarai
6. The Block Development Project Officer, Lakhisarai District Lakhisarai.
7. The Child Development Project Officer, Lakhisarai District Lakhisarai
8. The Ward Councilor Ward No. 14(29), Lakhisarai District Lakhisarai.
9. Sawita Kumari, wife of Yogendra Pandit, Resident of Lakhisarai, Posted as Sevika in Anganwadi, Centre No. 57, Makuna, Ward No. 14(29) Lakhisarai District Lakhisarai.

.... Respondent/s

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Appearance:

For the Appellant/s : Mr. Arun Kumar, Advocate.
Mr. Ram Vinay Prasad Singh, Advocate.

For the Respondent/s : Mr. Kaushal Kumar Jha, AAG-8.

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 02-02-2017

Re.: I.A. No. 156 of 2017

This application is for condonation of delay of 28 days in filing the Letters Patent Appeal.

For the reasons mentioned in the Interlocutory application, we are satisfied that the appellant has shown sufficient



cause to seek condonation of delay in filing the present Letters Patent Appeal.

Consequently, Interlocutory Application is allowed and delay in filing the Letters Patent Appeal is condoned.

Re.: L.P.A. No.54 of 2017

The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Bench on 15.11.2016 whereby, the writ application was allowed and the order of termination from the post of Anganwari Sevika was set aside for the reason that no opportunity of hearing was provided to the writ applicant.

Learned counsel for the appellant refers to inspection report (Annexure-R/2) appended with the counter affidavit to contend that the centre was inspected on her presence, therefore, it cannot be said that she was not afforded any opportunity of hearing.

We do not find any merit in the said argument. The inspection of the centre is the basis which leads to the order of termination. But before termination, there was no show-cause notice issued to the writ applicant or she was given any opportunity of hearing to explain the consequential facts, if any, found in the inspection report.

In view thereof, we do not find any error in the order passed by the learned Single Bench which may warrant interference



in the present Letters Patent Appeal. Accordingly, the same is dismissed.

(Hemant Gupta, ACJ)

(Sudhir Singh, J)

Mishra

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	08.02.2017
Transmission Date	

