

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.2093 of 2015

Arising out of

Civil Writ Jurisdiction Case No. 2547 of 2015

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Kumari Devi, wife of Sri Ghuran Das, resident of village- Rajauli, P.S.- Deodha,
District- Madhubani.

.... Appellant/s

Versus

1. The State of Bihar.
2. The Deputy Director Welfare, Darbhanga Commissioner, Darbhanga.
3. The District Programme Officer, Madhubani.
4. The Child Development Programme Officer, Jaynagar, District- Madhubani.

.... Respondent/s

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Appearance:

For the Appellant/s : Mr. Manish Kumar No 13, Advocate.

Mr. Rohit Kumar, Advocate.

For the Respondent/s : Mr. Sheo Shankar Prasad, SC-10.

Mr. H. S. Sundaram, AC to SC-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: 14-02-2017

Re.: I.A. No. 9176 of 2015

This application is for condonation of delay of 174
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. 2093 of 2015

The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Bench on 18.02.2015 whereby, an order passed by the Deputy Director, Welfare that an appeal filed by the appellant as barred by limitation was not interfered with.

2. The appellant was working as Anganwari Sahayika (Helper). The Anganwari centre was inspected on 15.06.2013. At the time of inspection, only seven children were found and the mid-day meal was not served on account of lack of funds, weighing machine was not working, growth chart was not prepared, menu was not found at the centre as well as the reading materials.

3. The appellant was selected as Anganwari Sahayika (Helper) in the year 2007. The allegation against the appellant, inter alia, is that she has been remaining absent from duty for last many years.

4. In the explanation, the stand of the appellant was that Anganwari Sevika compels her to do domestic work and on her objection, she was mentally harassed. She has made complaint to many officers. She had gone to call children on the date of inspection.

5. After considering the explanation of the appellant, the District Programme Officer found that the appellant was found



absent from duty. The Anganwari Sevika and other persons asserted that she has been abstaining from duty for many years. Her explanation appears to be made up. Consequently, she was ordered to be terminated from duties.

6. Though we do not find any error in the order passed by the Deputy Director, Welfare when the appeal of the appellant was not entertained as barred by limitation and also in the order of the learned Single Bench. But keeping in view the findings recorded by the District Programme Officer that the appellant was continuously abstaining from duty and has not discharged her duties diligently, we do not find that any case is made out for 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.
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