

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15693 of 2013

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Kusum Kumari, wife of Bikesh Kumar, resident of village- Calava, Block & P.S.-
Barauli, District- Gopalganj

.... Petitioner

Versus

1. The State of Bihar
2. The District Magistrate, Gopalganj
3. The Child Development Project Officer, Barauli, District- Gopalganj

.... Respondents

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Appearance :

For the Petitioner : Mr. Ranjan Kumar Srivastava
Mrs. Rajani Gandhai, Advocates.

For the Respondents : Mr. MD. Irshad, AC to SC-1

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 13-10-2017

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

2. The present writ petition has been filed for quashing
the impugned order contained in letter no. 49 dated 30.08.2012 passed
by the Child Development Project Officer, Barauli, District- Gopalganj
(respondent no. 3) whereby and whereunder selection of the
petitioner for the post of Anganbari Sevika has been cancelled without
giving any opportunity to the petitioner.

3. It is submitted that the petitioner has been removed
from the post of Anganbari Sevika where she has been working since
2012 on the basis of complaint filed by one Niraj Kumari, without
however grant of any opportunity whatsoever prior to her removal.

4. Learned counsel for the respondents appears but
however no counter affidavit has been filed to controvert the facts
stated in the writ petition.

5. Having heard the parties and on a consideration of the



materials on record, this Court finds merit in the writ petition. It has been specifically averred in paragraph-10 of the writ petition that the Child Development Project Officer, Barauli, District- Gopalganj failed to grant any opportunity to the petitioner prior to cancelling the appointment/selection of the petitioner as Anganbari Sevika. It does not also appear from the impugned order that any opportunity of hearing was granted to the petitioner. The impugned action has thus been taken against the petitioner in violation of the principles of natural justice and resultantly the impugned order cannot be sustained.

6. In the above view of the matter, the impugned order dated 30.08.2012 (Annexure-1) is hereby quashed. The respondents shall reinstate the petitioner with all consequential benefits without undue delay. It is made clear that the present judgment shall not stand in the way of the authorities to take fresh steps against the petitioner, if so advised, in accordance with law.

7. The writ petition stands allowed.

(Vikash Jain, J)

Md. Ibrarul/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
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