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1. Indu Bala Sinha Wife Of Late Binay Kumar Resident Of Village - Gabaspur,
P.S. Gaurichak, Post Jaitiya, District – Patna Petitioner/s

Versus

1. The State Of Bihar , through District Magistrate, Patna Address - At Collectorate
Campus Patna, P.O. Bankipur, P.S Pirbahore, District - Patna

2. District Programme Officer, Patna, At Collectorate Campus Patna, P.O. -
Bankipur, P.S. Pirbahore, District - Patna

3. District Welfare Officer, Patna, At - Collectorate Campus, Patna, P.O. -
Bankipur, P.S. - Pirbahore, District - Patna

4. The Child Development Project Officer, Fatuha Daniyawa, Post and Police
Station - Fatuha, District - Patna

5. The Deputy Director, Social Welfare, Patna

6. Rekha Kumari, W/o Sri Akhilesh Kumar, R/o village Gabaspur, P.O. Jaitiya, P.S.
Gaurichak, district Patna Respondent/s

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For the Petitioner/s : Mr. RUDAL PRASAD
For the Respondent/s : Mr. SC 20



to show cause vide letter No. 1430 dated 13.07.2012 (Annexure-2). The District Programme Officer did not find any other irregularity but since the petitioner was absent on single day, the District Programme Officer vide order dated 17.11.2012 illegally terminated the service of the petitioner. It is submitted that the order suffers from arbitrariness. The petitioner was absent due to unavoidable circumstances as she fell ill and she was under treatment of a doctor. The petitioner also filed certificate showing that she was under treatment but the District Programme Officer did not consider the show cause of petitioner and terminated her service, therefore, the order of termination is bad. It is further submitted that the appellate authority also dismissed the appeal of the petitioner without taking into consideration the grounds and reasons of absence of the petitioner, therefore, both the orders are illegal.

On the other hand, the learned counsel for the respondent No.6, Rekha Kumari, submitted that after removal of the petitioner respondent No.6 was appointed on 09.05.2015 after following the due procedure of selection of Anganwari Sevika and she is rendering her best service to run the centre. It is submitted that, of course, the order of the District Programme Officer discloses that petitioner was removed from service on the ground of her absence on the date of inspection, i.e., 29.06.2012 but from the inspection report, it would appear that many irregularities were also found. The appellate authority took into consideration many other irregularities, besides the absence of the petitioner, and dismissed the appeal, therefore, there is no valid ground to interfere with the impugned orders.

Having considered the submissions of the parties, the question arose for consideration as to whether the District Programme Officer removed the petitioner from service on valid grounds or not?



From the inspection report, it appears that the District Programme Officer found the centre closed. The petitioner was absent but the Child Development Project Officer did not disclose that how she inspected other records in absence of Anganwari Sevika, the petitioner. The District Programme Officer on the sole ground that the petitioner was absent on the date of inspection removed the petitioner from the post of Anganwari Sevika. Therefore, I find that the order suffers from arbitrariness because for one day absence the petitioner was removed from service. The order appears to be stringent one. The appellate authority also did not consider this aspect of the matter and confirmed the order of District Programme Officer.

Therefore, I find that both the orders suffer from arbitrariness and are fit to be set aside. Accordingly, this writ petition is allowed and the order dated 17.11.2012 passed in Case No. 181 of 2012 by District Programme Officer, Patna (Annexure-3) and the order dated 04.10.2013/ 26.10.2013 passed in Anganwari Appeal No. 55/2013-14 by the Deputy Director, Social Welfare, Patna (Annexure-5) are set aside.

(Prabhat Kumar Jha, J)

BKS/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	10.08.17
Transmission Date	N.A.

