

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19389 of 2013

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Smt. Asha Kumari W/O Surendra Prasad Singh Resident Of Village Chakia, Block,
Rajpur, District- Buxar

.... Petitioner/s

Versus

1. The State Of Bihar Through The Secretary Welfare Department, Govt. Of Bihar, Patna
2. The Director, I.C.D.S. Directorate, Govt. Of Bihar, Patna Pramandal, Patna
3. The District Magistrate, Buxar
4. The District Welfare Officer, Buxar
5. The Child Development Programming Officer, Rajpur, District- Buxar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey, Adv.

For the Respondent/s : Ms. Shilpa Singh, GA-12

Ms. Abhyanjali, AC to GA-12

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 14-12-2017

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

In this case, the petitioner is challenging the order
dated 31.7.2013 passed by the Deputy Director, Welfare Department,
Patna Division, Patna in Appeal Case No. 105 of 2012.

The petitioner was running Anganbari Center, Centre
Code No. 140, Chakia, Block Rajpur, Dist. Buxar. An inspection was
conducted on 20.4.2012 and it was found that it was not running
properly whereafter the District Programme Officer issued show-
cause, which the petitioner replied, the C.D.P.O. passed the order



against the petitioner removing her from the center as a Anganbari Sevika. An appeal was filed before the Collector, Buxar but, the order dated 31.7.2013 reflects that the Collector, instead of deciding the case, transferred the same to the Court of Deputy Director, Welfare Department, Patna Division, Patna who, by a cryptic order dated 31.7.2013, rejected the appeal.

Under the Scheme, it is the Collector who has been made appellate authority, has to dispose of the appeal and should not have transferred the appeal to another person, it amounts to abdicating his power and jurisdiction to the other persons which is not permissible in law and, that too, the order does not deal with the case properly and it appears that he has not applied his judicial mind and has passed a cryptic order.

In view of the aforesaid admitted fact, this Court finds the order passed by the Deputy Director, Welfare, Patna Division, Patna dated 31.7.2013 is set aside and the matter is remanded back to the Collector, Buxar who himself will decide the matter and pass orders in accordance with law with a reasoned order but, of-course, after giving an opportunity of fair hearing to the petitioner.

The Collector will decide the case within a period of four months from the date of receipt/production of a copy of this order.



This writ application is accordingly allowed to the extent indicated above.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.12.2017
Transmission Date	NA

