

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.8083 of 2014**

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1. Gulsaba wife of Md. Aslam resident of village- Rajanpur, P.O.- Rajanpur,  
P.S. + Block- Mahishi, District- Saharsa

.... .... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Social Welfare, Govt. of Bihar, Patna  
2. The Principal Secretary, Department of Social Welfare, Government of Bihar, Patna  
3. The Director, Department of Social Welfare, Government of Bihar, Patna  
4. The Divisional Commissioner, Koshi Division, Saharsa  
5. The District Magistrate, Saharsa  
6. The Deputy Development Commissioner, Saharsa  
7. The District Programme Officer, Saharsa  
8. The Child Development Project Officer, Block- Mahishi, District- Saharsa  
9. Anganwari Lady Supervisor, Child Development Project, Block- Mahishi, District- Saharsa, namely Sunita Kumari, wife of not known to the petitioner

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Pramod Mishra

For the Respondent/s : Mr. Manikant Mishra

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR**  
**JHA**  
**ORAL ORDER**

4      14-11-2017

Heard both sides.

Petitioner seeks quashing of the order dated 19.08.2011 passed in Memo No.83-2 issued by the D.P.O., Saharsa by which the petitioner has been removed from the post of Anganwari Sevika. Petitioner further seeks quashing of Annexure 5, the order dated 26.02.2014 by which the Deputy Director, Regional Development Officer, Kosi Division, Saharsa dismissed



the appeal of the petitioner.

The brief facts which is relevant is that C.D.P.O. lady supervisor inspected the Tirasitola Anganwari Centre No.128 at 11.40 A.M. on 11.08.2011 and found the petitioner, Anganwari Sevika and Sahayika absent. The lady supervisor also reported that on inquiry, it transpired that Sevika did not come to Centre. Sahayika came but the foods were not distributed among the children. The notice was issued to the petitioner to appear on 18.08.2011 but the petitioner received the notice on 20.08.2011 and she was informed that the order was reserved. On the next date, the District Programme Officer vide Annexure 3 passed the order dismissing the petitioner from the post of Anganwari Sevika. The petitioner preferred appeal but the appellate authority also, without considering the ground taken by the petitioner, dismissed the appeal.

Mr. Pramod Mishra, the learned counsel for the petitioner submits that the petitioner was disengaged from the post of Anganwari Sevika for absence of only one day even though the petitioner did not receive the notice in time and without hearing the petitioner, Annexure-3 was issued by the District Programme Officer. The appeal of the petitioner was summarily dismissed without considering the ground that the petitioner was found



absent on one day and he received the notice on 20.08.2011 before which the order of his termination was passed.

The learned counsel for the respondents has not filed any counter-affidavit in spite of adjournment given to him.

Having considered the submissions, it appears that for absence of one day, the District Programme Officer, without taking into consideration the reasons for absence, dismissed the petitioner from his service as Anganwari Sevika. The appellate authority also did not consider the facts about one day absence of the petitioner and non-compliance of the notice on the petitioner.

Therefore, I find that the order of termination is unreasonable and illegal. Accordingly, the writ petition is allowed. The order dated 19.08.2011(Annexure 3) and order dated 26.02.2014(Annexure 5) are set aside.

**(Prabhat Kumar Jha, J)**

Saurabh/-

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