

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.21182 of 2013

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Sheela Devi Wife Of Dinesh Paswan Resident Of Village Tarwan, P.O. Swita, P.S.
Parsa Bazar, District Patna

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Commissioner/Secretary, Social Welfare Department, Bihar, Patna
3. The Commissioner, Patna Division, Patna
4. The District Magistrate, Patna
5. The District Programme Officer, Patna
6. The Child Development Project Officer, Phulwarisharif Block, Patna
7. Sarita Kumari, Enquiry Officer Cum Cdpo, Punpun

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amar Nath Yadav, Adv.

For the Respondent/s : Mr. Md. Harun Quareshi, AC to SC-01

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 20-12-2017

Heard learned counsel for the parties.

In the present case, the petitioner is challenging the action of the Collector, Patna dated 10.05.2013 in connection with the Memo of Appeal No. 174 of 2012, whereby and whereunder, he has rejected the appeal filed by the petitioner.

The petitioner was working as Anganwari Sevika in Center Tarwan Code No. 132, the C.D.P.O. made a surprise inspection and found the Center closed. The petitioner was served with a show-cause mentioning therein that on surprise visit, the Center was found closed, the petitioner filed explanation taking a plea that on



3.9.2011, she was busy with the pulse polio duty and, on that account, she remained absent at the Center, it was the duty of the Anganwari Sahaika to open the Center and prepare food for the child.

Neither the C.D.P.O. nor the Collector has recorded a finding with respect to her deputation on 3.9.2011 for pulse polio duty and it was not expected from her, both to run the center as also to perform the duty of Pulse Polio, this fact is unverified and no finding has been recorded by both the authorities. Though the State Government has tried to justify the action that on second occasion also, an inspection was made and the center was found closed.

In the present case, the other day inspection is not the subject matter of proceeding, only the decision can be taken with regard to the day of inspection mentioned in the charge-sheet.

In that view of the mater, the order dated 28.6.2012 passed by the District Programme Officer, Patna and the order dated 10.05.2013 passed by the Collector, Patna are set aside and the matter is remanded back with a direction to verify the date of her deputation in the pulse polio and take a decision in accordance with law and if the Authority wants to add another charge, that has to be mentioned separately and only after giving a fairing hearing to the petitioner could have passed the order in accordance with law.

In the result, this writ application stands allowed to the



extent indicated above.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
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