

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.25658 of 2013

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Sangita Kumari, wife of Shivshankar Prasad Gram- Bhakhrua, Thana-
Daudnagar, Zila- Aurangabad.

.... Petitioner

Versus

1. The State of Bihar
2. Pradhan Sachiv, Samaj Kalyan Vibhag, Bihar Sarkar, Patna.
3. Nideshak, Samaj Kalyan Vibhag, I.C.D.S Nideshalaya, Bihar Sarkar, Patna
4. Upnideshak, Kalyan Magadh Pramandal, Gaya.
5. Zila Padadhikari, Aurangabad.
6. Zila Programme Padadhikari, Aurangabad.
7. Poonam Kumari/ Zila Astariya Janch Padadhikari, Zila- Aurangabad, Rajya Bihar
8. Bal Vikash Pariyojna Padadhikari, Daudnagar, (Aurangabad)

.... Respondents

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Appearance :

For the Petitioner : Mr. Jai Prakash, Advocate

For the Respondents : Mr. Md. Harun Quareshi, AC to SC 01

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 31-08-2017

The present writ petition has been filed for quashing the order dated 10.01.2012 (Annexure-6) of the District Programme Officer, Aurangabad, as well as the appellate order dated 15.10.2013 passed by the Deputy Director, Welfare, Magadh Division, Gaya in Appeal No. 84DM, Abad/2013 (Annexure-9).

2. It appears that an inspection was carried out at the Anganwari Centre, Bhakhrua, Code No. 29 on 10.09.201, but the centre was found closed. As such the register could not be verified and the 'poshahaar' was not distributed to the beneficiaries. By the impugned order dated 10.01.2012 the services of the petitioner being the Anganwari Sevika was terminated along with the Sahayika, Manorma Kumari.

3. Learned counsel for the petitioner submits that as a matter of fact the inspection was carried out at 01.05 p.m. and it has been certified by the Mukhiya and other villagers that the centre had remained open till 01.00



p.m. on that day. In any event it is submitted that the punishment of termination is too harsh for one day's absence.

4. Learned counsel for the respondents appears and has been heard.

5. A perusal of the impugned orders discloses that as a matter of fact the inspection was carried out at 12.15 p.m. when the centre was supposed to remain open. Be that as it may, this Court is of the view that the punishment of termination is too harsh in the facts and circumstances of the case, even assuming that the centre was closed on that one day when inspection was carried out.

6. The impugned orders dated 10.01.2012 (Annexure-6) and 15.10.2013 (Annexure-9) are accordingly set aside with a direction to the respondents to allow the petitioner to resume her duties.

7. The writ petition stands allowed.

(Vikash Jain, J)

Chandran/BT

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