

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.21862 of 2012

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1. Sushma Kunwar wife of Sri Jairanjan Singh

2. Sundari Devi wife of Sri Dharmnath Das

Both are resident of Village-Digi Kala East, Ward No.3, P.S.-Hajipur Sadar,
District -Vaishali

.... Petitioner

Versus

1. The State of Bihar

2. Principal Secretary, Social Welfare Department, Bihar, Patna

3. Divisional Commissioner, Muzaffarpur

4. District Magistrate, Vaishali

5. District Programme Officer, Vaishali

6. Child Development Project Officer, Hajipur Rular

.... Respondent

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Appearance :

For the Petitioner : Mr. Ratan Kumar Sinha

Mr. Madhukar Pandey, Advocates.

For the Respondent : None

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 08-08-2017

The present writ petition has been filed for quashing the order as contained in Memo No. 801 dated 11.05.2010 issued by District Programme Officer (Respondent No. 5) dismissing the petitioners, Anganbari Sevika and Sahayika of Anganwari Centre No. 122 without following the procedure and in violation of principles of natural justice; quashing the order dated 02.04.2011/01.06.2011 passed by District Magistrate, Vaishali (Respondent No. 4) by which the case No. 77/2010-2011 was dismissed on the ground that in terms of clause 8.8 of the Guidelines 2010, the appeal should have been preferred before the Divisional Commissioner; quashing the order dated 27.08.2012 passed by the Divisional Commissioner



(Respondent No. 3) rejecting the appeal on the grounds that since order of termination has been passed on the direction of the Principal Secretary, Social Welfare Department and in view of clause 8.8 of Guidelines 2010, in special case, appeal can be admitted and order can be passed but no special case/condition is made out; and for connected reliefs.

2. Learned counsel for the petitioners makes a short submission to the effect that illegality in the termination of the petitioners is writ large on the face of it and the impugned orders are wholly illegal. A bare perusal of the impugned orders of the Divisional Commissioner dated 27.08.2012 would disclose that the action for termination of the petitioners has been taken at the behest of the Principal Secretary. This aspect of the matter is no longer *res integra* and has been decided by this Court in *Manjula Kumari & Anr. Vs. The State of Bihar and Ors., and analogous cases, 2013 (1) PLJR 901*. Following the said decision, this Court in C.W.J.C. No. 13999 of 2012 (*Sunita Kumari Vs. The State of Bihar & Ors., and analogous cases*) has set aside similar orders passed on the direction issued by the Principal Secretary.

3. None appears on behalf of the State when the matter is called.

4. Having regard to the ratio laid down in *Manjula Kumari & Anr. Vs. The State of Bihar and Ors., and analogous cases,*



2013 (1) PLJR 901 as well as the order passed in C.W.J.C. No. 13999 of 2012 (supra), the impugned orders as contained in Memo No. 801 dated 11.05.2010 (Annexure-4), the order dated 02.04.2011/ 01.06.2011 (Annexure-6) and the order dated 27.08.2012 (Annexure-7) are hereby set aside. The respondents however shall be at liberty to proceed afresh against the petitioners in accordance with law, if so advised.

5. The writ petition stands allowed.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	14.08.2017
Transmission Date	N.A.

