

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1330 of 2015

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Sunaina Kumari daughter of late karan Yadav resident of Village; Habibpura, Post Office and Police Station: Sohsarai, District: Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Socretary, Department of Social Welfare, Govt. of Bihar, Patna.
2. The Deputy Director, Welfare, Patna Commissionery, Patna.
3. The District Magistrate, Nalanda.
4. The District Programme Officer, Nalanda.
5. The Sub Divisional Officer, Biharsharif, Nalanda.
6. The Child Development Project Officer, Biharsharif, District: Nalanda.
7. Ruby Kumari W/o Umesh Kumar resident of Habibpur, P.S. Sohsarai, District: Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arpana Kumari, Advocate
For the State : Mr. Rewti Kant Raman, AC to SC-11

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 18-06-2018

Heard learned counsel for the petitioner and the respondent State.

2. Pursuant to an inspection dated 11.02.2012 of the Anganbari Kendra bearing Centre No. 17 petitioner's selection as Anganbari Sahayika for Kendra in question has been cancelled for alleged absence from 09.02.2012 to 12.02.2012.

3. The petitioner had earlier approached this Court by filing a writ petition which was disposed off with liberty to the petitioner to approach the Commissioner, Patna for redressal of her



grievance under order dated 12.10.2012 passed in C.W.J.C. No. 19267 of 2012. Pursuant thereto the petitioner has approached the Court of the Commissioner, Patna Division, Patna and her Appeal no. 7 of 2013 has finally been rejected affirming the order cancelling the selection of the petitioner as Anganbari Sahayika. The order passed in Appeal dated 01.11.2014 is impugned in the instant writ petition.

4. The short submission made by the petitioner is that though she had submitted an application for leave on the ground of illness before the Anganbari Sevika but the same could not be produced at the time of inspection by the Anganbari Sevika, the petitioner was made to suffer on account of such oversight by the Anganbari Sevika. It is submitted that extreme punishment of cancelling of her selection as Anganbari Sahayika cannot be inflicted since she had given her application for absence on ground of illness.

5. Before the Commissioner in the proceedings arising out of Appeal no. 7 of 2013 the Anganbari Sevika has confirmed in writing the fact that petitioner's application on ground of illness was in her possession. This aspect of the matter has not been considered by the commissioner while rejecting the petitioner's appeal. The Anganbari Sevika has also not been examined by the Director, Welfare to ascertain the veracity of the plea raised by the petitioner regarding her application being made on grounds of illness.



6. The order dated 01.11.2014 passed in Anganbari Appeal No. 7 of 2013 by the Commissioner is therefore, quashed.

7. This Court directs the respondent no. 2 to reconsider the petitioner's appeal after examining the Anganbari Sevika so as to ascertain the veracity of the petitioner's ground regarding her applications being made for leave on grounds of illness.

8. Let the final decision be taken by the Deputy Director, Welfare on the appeal within a period of 12 weeks from the date of receipt/production of a copy of this order after hearing the parties concerned including the respondent no. 2.

9. The writ petition is allowed to the extent indicated herein above.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

