

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.659 of 2017
IN
Civil Writ Jurisdiction Case No. 14266 of 2008**

=====

Anita Rai, Wife of Satyadeo Prasad Yadav, Resident of Village- Methwaliya, P.S.-
Chapra Muffasil, District- Saran at Chapra.

.... Petitioner/Appellant/s

Versus

1. The State of Bihar.
2. The Secretary, Department of Social Welfare, Govt. of Bihar, Patna.
3. The Commissioner, Saran at Chapra.
4. The Director, I.C.D.S. Department of Social Welfare, Govt. of Bihar, Patna.
5. The District Magistrate, Saran at Chapra.
6. The District Welfare Officer, Saran at Chapra.
7. The District Programme Officer, Saran at Chapra.
8. The Deputy Director, Welfare, Saran at Chapra.
9. The Sub-Divisional Officer, Sadar Chapra at Chapra.
10. The Block Development Officer, Sadar Chapra at Chapra.
11. The Child Development Project Officer, Chapra Rural Chapra.
12. The Mukhiya, Sarha, Gram Panchayat, Block Chapra, Rural, District- Saran at Chapra.

.... Respondents/Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Jeetendra Narayan
For the Respondent/s : Mr. Manish Kumar, AC to AAG 6

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 26-03-2018

Seeking exception to an order dated 23.01.2017 passed by
the learned Writ Court in CWJC No. 14266 of 2008 this appeal has



been filed under Clause 10 of the Letters Patent.

In the matter of termination of appellant's service from the post of Anganwari Sevika of the Centre in question, the concurrent orders passed by the District Magistrate, Saran on 11.09.2007, the Commissioner of Saran Division, Chapra, in Service Appeal No. 456 of 2007 have been upheld and approved by the learned Writ Court and challenging the order of the Writ Court the instant appeal has been filed.

On the inspection of the Centre conducted on 07.06.2005 various irregularities were found and it was also alleged against the petitioner-appellant that her husband entered into a verbal dual with the lady Supervisor who was conducting the inspection. Finding various irregularities said to have been committed service of the petitioner was terminated and the termination has been upheld by the District Magistrate as also the Commissioner and the learned Writ Court rejected the writ petition by a detailed order passed apart from finding that in the enquiry conducted by the District Magistrate the petitioner is found to have committed dereliction of duty and her husband has also misbehaved with the Supervisor has also found that the relationship between the petitioner and the State is that of an agent and Principal. She was not a regular post-holder and, therefore, the protection available under Article 311(2) of the Constitution will not



be available to her. Considering the detailed order passed by the learned Writ Court we see no reason to make any indulgence into the matter.

Even though the learned counsel for the appellant during the course of hearing tried to indicate that before taking such action, appropriate action has not been granted to the petitioner, but we find that a detailed enquiry into the matter was conducted by the District Magistrate, and concurrent orders have been passed by the District Magistrate and the Commissioner which has been reconsidered and approved by the learned Writ Court.

Accordingly, in the facts and circumstances of the case, we see no reason to make any indulgence into the matter. The appeal stands dismissed.

(Rajendra Menon, CJ)

(S. Kumar, J)

mrl./-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	28.03.2018
Transmission Date	

