

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.826 of 2015

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Nirmala Devi W/o Ashok Pandit Mohalla- Bhitri Begumpur, Patna City, Post-Begumpur, P.S.- Patna City Chowk, District- Patna.

... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, I.C-D.S. Commissioner at Old Secretariat, Patna.
3. The Director I.C.D.S. Integrated Child Development Scheme Old Secretariat, Patna.
4. The District Magistrate, Patna.
5. The Deputy Director Welfare, Patna Division, Patna.
6. The District Program Officer, Patna.
7. The Child Development Project Officer, Patna Sadar- 2, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nitya Nand Neeraj, Advocate

For the Respondent/s : Mr. Krishna Kant Tiwari, AC to Sc 27

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 28-03-2018

Heard counsels for the petitioner and the State.

2. The petitioner who was posted as Angan Bari Sahayika has been removed pursuant to an inspection of Centre No. 111, Bhitri Begampur Patna. The inspection was done on 10.11.2012 at 01.45 PM wherein the Sevika of the centre was found to be engaged in Pulse Polio Vaccination and the petitioner (Sahayika) was found absent in unauthorized manner.

3. It is submitted by the counsel for the petitioner that the guidelines and departmental instruction provides that show cause should be issued within a month and the final order should be passed within 30 days thereafter. But the same has not been followed. The show cause has been issued to the petitioner on 26.11.2013 and the



order of termination has been passed on 10.01.2014 by the District Programme Officer.

4. His submission is that such guidelines has not been complied with and the same has been overlooked by the Deputy Director Welfare even in the Miscellaneous Appeal No. 33 of 2014 filed by the petitioner against the said order of the District Programme Officer dated 10.01.2014.

5. From the submissions made on behalf of the petitioner before the authorities the admitted position is that the petitioner was absent from the centre at the time of inspection. She has tried to explain her absence by saying that she was feeling ill so she had gone to hospital for treatment. The finding of the District Programme Officer regarding her unauthorized absence is correct as she has not referred to any application for leave.

6. In view of the aforesaid consideration, this Court does not find any reason to interfere with the order dated 10.01.2014 passed by the District Programme Officer as also the order dated 05.04.2014 passed by the Deputy Director Welfare, Patna in appeal No. 33 of 2014.

7. The writ petition is dismissed.

(Madhuresh Prasad, J)

Prakash/-

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CAV DATE	
Uploading Date	3/4/2018
Transmission Date	

