

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14255 of 2014

=====

Anita Devi wife of Ajay Kumar resident of village Achuara, Police Station
Athamalgola, District Patna Petitioner

Versus

1. The State of Bihar
 2. The Commissioner-cum-Secretary, Welfare Department, Government of Bihar,
Patna.
 3. The Director, I.C.D.S., Indira Bhawan near Pant Bhawan, Bihar, Patna.
 4. The Collector, Patna.
 5. The District Programme Officer, District Programme Branch, ICDS,
Collectorate, Patna.
 6. The Child Development Project Officer, Barh, Patna Respondents
- =====

Appearance :

For the Petitioner : Mr. Santosh Kumar Sinha -2, Advocate
Mr. Vijay Kr. Verma, Advocate
For the Respondents : Mr. AC to SC 24

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 08-08-2018

Heard learned counsel for the petitioner and learned
counsel for the State.

2. Learned counsel for the petitioner submits that the
petitioner's selection as Anganbari Sahaika was cancelled by the
District Programme Officer in case No. 351 of 2013 by order
dated 14.3.2014 (Annexure 2). He submits that the order is bad on
two counts. One that it is at the dictates of the higher authorities
who have made a clear recommendation to remove the petitioner.
In support of the aforesaid contention, he relies on Annexure 2.

3. Order of the higher authority is not available on
record of this case to arrive at a conclusion either whether there



was specific direction to the District Programme Officer to remove the petitioner or not. Other issue raised by the petitioner is that even if the allegation of absence for one day from the Center during inspection on 22.5.2013 is taken to be true, it does not give rise to a situation warranting cancellation of selection of the Anganbari Sevika/Sahaika. Reliance has been placed on a decision of this Court dated 20.9.2016, rendered in C.W.J.C.No. 308 of 2015 (Sabita Kumari Vs. The State of Bihar and others) wherein this Court has already held that mere absence from the Center for one day does not give rise to a situation warranting cancellation of selection of Anganbari Sevika/Sahaika and as such the punishment has been held to be grossly disproportionate to the allegation.

4. Learned counsel for the State has not opposed the aforesaid submission of the petitioner. However, he submits that the petitioner has not availed the remedy of appeal before the Deputy Director, Welfare.

5. Considering the facts and circumstances of the case, as also the pronouncement of this Court in case of Sabita Kumari (Supra) the petitioner is permitted to approach the Appellate authority by filing an appeal. If such appeal is filed



within a period of four weeks, the Appellate authority would be obliged to dispose of the same in accordance with law as noticed hereinabove by a reasoned and speaking order within a period of eight weeks from the date of receipt/production of a copy of this order.

(Madhuresh Prasad, J)

Shashi.

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.8.2018
Transmission Date	NA

