

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No 11390 of 2015

=====

Anita Kumari wife of Ganga Prasad Yadav resident of village Dubiyahi, P.S. Kishanpur, District Supaul.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Social & Welfare, Patna.
2. Integrated Child Development.
3. The Deputy Director, Welfare Koshi Division, Saharsa.
4. The Collector, Supaul.
5. The District Programme Officer, Collectorate, Supaul.
6. The Child Development Project Officer, Kishanpur, Supaul.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : M/s Gajendra Kr Jha & Sushil Kr Jha, Advs
For the S t a t e : Mr Harish Kumar, GP VIII with
Mr Binod Kumar Sinha, AC to GP VIII

=====

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 04-04-2018

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

2 The petitioner has approached this Court being aggrieved by cancellation of her selection as *Angan Bari Sevika* at Centre No 134 under Kishanpur Block in the district of Supaul.

3 The brief undisputed facts are that when the inspection was conducted of the Centre in question on 02.06.2012 in the morning at 9.40 am, the petitioner, who is the Sevika of the Centre, was found absent and the Centre was found to be closed. The petitioner was served with a show cause. She submitted her reply to the same



wherein she raised a plea that as the *Sahayika* had been on leave since the earlier evening and on 02.06.2012, when the inspection was conducted, there was heavy monsoon rainfall, therefore, she went to bring the children to the Centre and, as such, was delayed in reaching the Centre. In the meantime, the inspection has been conducted wherein she was found absent. Under order dated 20.12.2012, the DPO has, after considering the pleas raised by the petitioner, concluded that a doubtful situation has been created and, merely on the basis of such doubt, her selection as *Angan Bari Sevika* has been cancelled.

4 Against the said order, the petitioner has moved before the Deputy Director (Welfare), Koshi Division, Saharsa by filing *Angan Bari Appeal No 7-114 of 2013* wherein relying upon the decisions of this Court in *CWJC No 317 of 2014* and *CWJC No 19486 of 2011*, she has submitted that in view of the admitted absence of only one day, even if the authorities are not persuaded to accept the reasons of her reaching the Centre late to be sufficient, then the extreme and harsh punishment of cancellation of her selection cannot be resorted to. The same has not been considered and the extreme/harsh punishment of cancellation of the petitioner's selection as *Angan Bari Sevika*, inflicted by the DPO under his order dated 20.12.2012, has been upheld and affirmed by the Deputy Director (Welfare) on the petitioner's appeal.



5 The writ petition has been filed by the petitioner aggrieved by orders, wherein the law declared by this Court under the said two orders passed in *CWJC No 317 of 2014* and *CWJC No 19486 of 2011* as also some more judgments of this Court, one reported in *2017 (2) PLJR 405 (Ranju Kumari –Versus- State of Bihar & Others)* and another recent judgment of this Court dated 07.02.2018 passed in *CWJC No 10872 of 2017*, have not been considered.

6 In view of the long line of cases, noted hereinabove, reiterating the position that such extreme and harsh punishment of cancellation of the selection on account of one day's absence from the Centre is unpragmatic and unsustainable, the writ petition is allowed and the orders dated 20.12.2012 as also the appellate authority's order dated 21.05.2015 are hereby quashed.

7 It is submitted by the learned counsel for the petitioner that no *Angn Bari Sevika* has been selected in place of the petitioner till date. As a result of quashing of the impugned order, the petitioner may, therefore, be reinstated and allowed to resume her work at the Centre.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.04.2018
Transmission Date	NA

