

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8483 of 2015

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1. Anita Yadav W/o Sanjay kumar yadav
 2. Champa Devi W/o Shikander Paswan
- Both R/o Village- Ramkaran Pakdi,, at present Anganbadi kendra Sankhya 42,
ward no. 13, Ramkaran Pakdi, P.s- Chakia, District East Champaran.
- Petitioner/s

Versus

1. The State of Bihar represented through the Chief Secretary, Govt. of Bihar, Patna.
2. District Magistrate, East Champaran
3. District Programme Officer, East Champaran.
4. Secretary, Social Welfare Department, Govt. of Bihar.
5. Deputy Director, Welfare, Tirhut Division, Muzaffarpur.
6. Child Development Project Officer, Chakia, East Champaran.
7. Mahila Paryveshika, Chakia, East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mrs. Rina Sinha, Adv.
For the Respondent/s : Mr. U.P. Singh, AC to SC4

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 19-12-2018

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

The petitioner is challenging the order dated 19.3.2015 passed by the Deputy Director, Welfare, Tirhut Division, Muzaffarpur, whereby and whereunder, the appeal filed by the petitioner has been rejected affirming the order passed by the District Program Officer, East Champaran, thereby, the petitioner has been removed from the job of Anganwari Sevika.

The petitioner no.1 was working as Anganwari Sevika and petitione no.2 was working as Anganwari Sahayika in Anganwari Kendra No. 42, Ward No.13, Ramkaran Pakdi, P.S.



Chakia, East Champaran. The respondent Mahila Paryveshika, respondent no.7 inspected the center of the petitioner which was found closed and both the petitioners were found absent. The matter was reported to the District Programme Officer, East Champaran who issued the show-cause and sought explanation from both of the petitioners vide Memo No. 1593 dated 19.4.2014 which was replied by them and tendered apology. The District Program Officer considered the case of the petitioners and, the petitioners were removed from the job and the same has been affirmed by the appellate authority.

Learned counsel for the petitioners submits that it is a single instance, both the petitioners did not attend the work attached to the Anganwari Sevika, is a mistake on their part and never before that, such a complaint was ever received against them, they were operating the center and giving the cooked food to the children falling under the aforesaid center. The petitioners should not have been disengaged merely because once in the entire service career, they failed to attend and discharged the duty.

Counsel for the State has submitted that there is nothing wrong in disengagement of the petitioners and submitted that they have kept the center closed.



Having considered the rival contentions of the parties, there is no denial of the fact that it is a single instance found against the petitioners about the closure and non-serving of the cooked food to the children upon the center. For a single mistake, they should not have been visited with the order of disengagement.

In that view of the matter, the order dated 20.6.2014 passed by the District Programme Officer, East Champaran and the order dated 19.3.2015 passed by the Divisional Commissioner, Tirhut Division, Muzaffarpur are set aside.

If the third party right has been created, in such circumstances, the petitioners will be reinstated only after giving an opportunity of hearing to the third party.

In the result, this writ application stands allowed to the extent indicated above.

(Shivaji Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.01.2019
Transmission Date	

