

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.32 of 2017

In

Civil Writ Jurisdiction Case No.5423 of 2015

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Kamoda Devi, W/o Sri Krishna Paswan, resident of Village - Pathlapokhar,
P.O. + P.S. - Ghosi, District - Jehanabad.

... .. Appellant/s

Versus

1. The State of Bihar.
2. The Collector Cum D. M., Jehanabad.
3. The District Welfare Officer, Jehanabad.
4. The Child Development Project Officer (C.D.P.O.), Ghosi Block, P.O. + P.S. - Ghosi, District - Jehanabad.
5. The District Programme Officer, Jehanabad.
6. Leena Devi, wife of Ravi Kumar, resident of Village- Bajitpur, P.O.+P.S.- Ghosi, District- Jehanabad

... .. Respondent/s

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Appearance :

For the Appellant/s :

For the Respondent/s :

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 15-01-2018

Delay of 6 months and 21 days in filing of this
appeal is condoned. I.A. No. 59 of 2017 stands allowed and
disposed of.



Having heard counsel counsel for the parties, we are of the considered view that only on account of one day's absence from the Centre when the inspection took place, the service of the appellant, petitioner no. 2 in the writ petition, could not be terminated. The respondents should have taken note of the past service record of the appellant and thereafter in case there were justifiable reasons for her absence of a single day and she had an unblemished past service record, her case should have been reconsidered for granting her re-appointment/reinstatement to the post in question.

Accordingly, we allow this appeal in part and remand the matter back to the District Programme Officer, Jehanabad with direction that he shall examine the case of the appellant afresh, evaluate the reasons for a day's absence of the appellant, consider the same and after taking note of her past service record if it is found that she has not committed similar act of commission and omission in the past, he shall reinstate her in service with immediate effect. The action be taken by the District Programme Officer, Jehanabad within a period of one month from the date of receipt of the certified copy of this order. Needless to emphasize that in case the District Programme Officer feels otherwise, it shall be incumbent upon him to record



reasons for the same, hear the appellant and thereafter pass a speaking order. In case she has not committed any such mistake in past, she should be reinstated with immediate effect.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P./-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	17.01.2018
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