

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18259 of 2013

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Asha Devi W/O Mithilesh Prasad Resident Of Village- Gadampur, P.S- Belchi,
District- Patna

.... Petitioner

Versus

1. The State Of Bihar
 2. The Commissioner- Cum- Secretary, Welfare Department Govt. Of Bihar, Patna.
 3. The Director, I.C.D.S., Indra Bhawan, Near Pant Bhawan, Bihar, Patna.
 4. District Program Officer, District Program Branch, I.C. D.S., Collectorate, Patna.
 5. District Magistrate, Patna.
 6. Child Development Project Officer, Barh, Patna
- Respondents
- =====

Appearance :

For the Petitioner : Mr. Vijay Kumar Verma, Advocate

For the Respondents : Mr. S.K.Tiwary, AC to G P 21

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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. Short submission made on behalf of the petitioner is
that on account of absence of one day on 4.5.2012 from the
Anganbari Center No. 205, petitioner's selection as Anganbari
Sevika has been cancelled by order dated 13.6.2012. On the fateful
date, petitioner met with sun stroke. She submitted medical
prescription in support thereof to the Child Development Project
Officer (CDPO), Barh, Patna in response to the show cause issued
to her. However, the CDPO disbelieving the medical prescription,
has alleged that there was "overwriting" on the date of admission of
the petitioner in the Nursing Home.

3. Be that as it may, at best the allegation constitutes
absence of the petitioner from the Center for one day, i.e., on



4.5.2012. Punishment of cancellation of selection of the petitioner for absence on one day appears to be grossly disproportionate to the allegation and is shocking to the conscience. This Court vide judgment dated 20.9.2016, passed in C.W.J.C.No. 308 of 2015 (Sabita Kumari Vs The State of Bihar and others), has also 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.

4. In the facts and circumstances of the case and considering the decision relied upon by learned counsel for the petitioner, the writ petition is allowed. Order dated 7.7.2012 (Annexure 4) bearing Memo no. 180 whereby petitioner's selection has been cancelled by order of the District Programme Officer, Patna is quashed for the reasons indicated herein above. As a result of quashing of the order passed by the DPO, Patna, order of the District Magistrate, Patna dated 3.5.2013 (Annexure 5), passed in Anganbari case no. 89 of 2012, rejecting petitioner's appeal is also quashed. The petitioner would be entitled to the consequential benefits.

(Madhuresh Prasad, J)

Shashi.

AFR/NAFR	NAFR
CA V DATE	NA
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