

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 12008 of 2014

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Reshma Bano W/o Md Kafil Rizuli R/o village - Ahmadpur, P.O. + P.S. Rafiganj,
District - Aurangabad

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Govt. of Bihar, Patna
2. The Director, Integrated Child Development Scheme, Directorate, Bihar, Patna
3. The Commissioner, Magadh Division, Gaya
4. The District Magistrate, Aurangabad
5. The District Programme Officer, Aurangabad
6. The Deputy Director, Welfare, Magadh Division, Gaya
7. The Child Development Project Officer, Rafiganj, Aurangabad
8. The Assistant Director, Integrated Child Development Scheme Directorate, Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : M/s Rajeev Kr Singh, Sitaram Pd &
Anjani Kr, Advocates

For the State : Mr J K Roy I, SC XIII

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 08-05-2018

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

2 Petitioner, who was *Sevika* at the Angan Bari Centre No 110, Ahmadpur, Panchayat – Charkawa, Block – Rafiganj in the district of Aurangabad, has filed the writ petition for quashing the order dated 27.03.2012 issued by the District Programme Officer, Aurangabad whereby her selection has been cancelled.

3 The submission made by learned counsel for the



petitioner is that the entire proceedings against the petitioner are vitiated on account of the vagueness of the allegations made in the show cause (Annexure 7) which is dated 17.03.2012. He submits that on the same day, the same Inspection Team has conducted inspection of a total number of 9 Centers in the locality. In all the cases, similar show cause notice has been issued alleging that “serious irregularities” were found in course of inspection.

4 In view of the charge being communicated as above, without any details whatsoever, this Court, in the cases of Rubaida Khatoon and Sabita Kumari which was decided in CWJC No 394 of 2017 and CWJC No 308 of 2015 respectively has observed as follows:

“Another glaring infirmity in the proceeding is that the show cause notice does not indicate the nature of irregularities so found and except for sweeping allegation charging the petitioner of indulging in serious irregularities, the petitioner has not been confronted with any specific allegation. Obviously a general allegation has been disowned by the petitioner by a general reply on denial.

The other reason which persuades this Court to draw in favour of the petitioner is that even though there may be some kind of default on the part of the petitioner in keeping the centre operational by following the required procedure and even though the inspection report does indicate some kind of default by the petitioner but it neither indicates a financial default by the petitioner nor the inspection report does indicate that the petitioner is a perpetual



defaulter and that the default was irreversible or reflected a financial misappropriation by the petitioner. The authorities ought to have taken a more pragmatic approach in affording the petitioner opportunity in adopting corrective measures rather than imposing extreme penalty. An extreme penalty is to be imposed in an extreme circumstances and the facts on record does not indicate any such requirement. The petitioner has specifically mentioned in her reply that there is no complaint by the villagers in respect of the centre and the stand of the petitioner has not been confronted with any material.

In the circumstances discussed and taking notice of the nature of the irregularities so noticed by the inspection team I am of the opinion that an extremely harsh treatment has been meted out to the petitioner by relieving her of her engagement and as a consequence the order of termination dated 27.03.2012 impugned at Annexure 1 as confirmed by the Appellate Authority vide Annexure 2 cannot be held and is accordingly set aside.”

5 The opinion expressed by this Court in the case of *Rubaida Khatoon (supra)* squarely covers the petitioner’s case inasmuch as the show cause against the petitioner also does not disclose any specific allegation whatsoever and is nothing but a vague, sweeping and general allegation. Such show cause cannot subserve the principles of natural justice inasmuch as it does not afford any opportunity to the petitioner to give her response. Issuance of show cause notice has been reduced to an empty formality.

6 In view of the finding recorded hereinabove, this



Court has no hesitation in holding that the proceedings initiated against the petitioner on the basis of such vague and cryptic show cause dated 17.03.2012 and the entire proceedings culminating into the order of punishment dated 27.03.2012 are hereby quashed.

7 In view of quashing of the entire proceedings, as above, the appellate order dated 07.03.2014 passed by the Deputy Director (Welfare), Gaya on the petitioner’s appeal, is also quashed.

8 The writ petition is allowed to the extent indicated hereinabove.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
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