

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 15833 of 2011

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Usha Devi W/O Sanjay Kumar Singh Resident Of Village-Lauwa, Police
Station-Ishwapur, District-Saran.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Commissioner, Saran Division, Chapra.
3. The Collector, Saran, Chapra.
4. The District Programme Officer, Saran, Chapra.
5. The C.D.P.O., Ishwapur, Saran, Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr Amresh Kumar Sinha, Advocate
For the Respondent/s : Mr Parijat Saran, AC to AAG X

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 20-11-2018

The short point raised by learned counsel for the petitioner is that though in response to the show cause dated 01.12.2010, she has submitted her response which was received in the office of the District Programme Officer, Saran at Chapra on 18.01.2011. Ignoring the said reply to show cause, the order dated 01.02.2011 has been passed by the District Programme Officer, Saran at Chapra cancelling the selection of the petitioner who was working as Angan Bari Sevika in Gram Panchayat Raj – Lauwa under Ishwapur block in the district of Saran at Chapra.

2 It is alleged that the petitioner did not attend the Pulse Polio Programme which was conducted between 19.11.2010



to 23.01.2011. Since the Pulse Polio Programme was of national importance, the matter was viewed seriously and the selection of the petitioner was cancelled after due consideration. The respondents have justified non-consideration of the petitioner's show cause on the ground that it was not submitted within the three days period stipulated in the show cause dated 01.12.2010.

3 Since the order has been passed by the District Programme Officer on 01.02.2011, and the petitioner's response received well before that, on 18.01.2011, this Court would observe that non-consideration of the petitioner's response is without any basis. Once the response was before the authorities when they were passing the order then there can be no justification for ignoring the same simply because it had not been submitted within the three days period stipulated in the show cause dated 01.12.2010.

4 The order cancelling the petitioner's selection dated 01.02.2011 issued by the District Programme Officer has also been affirmed by the Court of Divisional Commissioner, Saran Division, Chapra by order dated 29.07.2011 passed on the petitioner's Angan Bari Appeal No 17 of 2011.

5 Since the said orders have been issued ignoring the petitioner's response dated 18.01.2011 to the show cause dated



01.12.2010, this Court would direct the Divisional Commissioner, Saran Division, Chapra to pass orders after considering petitioner's response to the show cause dated 01.12.2010 which was received in the office of the District Programme Officer on 18.01.2011.

6 Let a final decision be taken after consideration of the petitioner's response within a period of eight weeks from the date of receipt/production of a copy of this order.

7 Writ petition is disposed of.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
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