

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8649 of 2017

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Devanti Devi, wife of Sri Rajendra Shah, Residing of Village- Gheuria, Post
Office- Sukrabalia, Police Station- Itarhi District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary, Social Welfare
Department, Government of Bihar, Patna.
2. The District Magistrate, Buxar.
3. The District Programme Officer, I.C.D.C., Buxar.
4. The Bal Bikash Pariyojna Padadhikari, Block- Itarhi, District- Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar
For the Respondent/s : Mr. Kaushal Kr. Jha-AAG8

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 26-06-2018

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

In this case, the petitioner is challenging the order 9.12.2015
passed by the District Programme Officer, Buxar, whereby and
whereunder, the services of the petitioner as Anganwari Sevika has been
dispensed with. Against that, the petitioner preferred appeal before the
Collector, Buxar in Case No. 22 of 2016 which met with the same fate.

The petitioner was working as an Anganwari Sevika of
Devariya Center no.92. On 30.10.2015, an inspection was made and the
petitioner was found absent which led to initiation of a proceeding
against her. The plea has been taken that she was suffering from
Diarrhoea, had gone for her treatment to hospital at Dildar Nagar which
has been disbelieved by the District Programme Officer and doubted the
certificate produced by her. Against that, she approached to the



Collector, Buxar who recorded in his order that the certificate which has been relied upon appears to be bogus in the sense that instead of going to the Primary Health Center, Itarhi, she gone to Dildar Nagar and affirmed the order passed by the District Programme Officer.

Learned counsel for the petitioner has submitted that it was a case of one day absence. Even presuming that the Collector has doubted the certificate that cannot be a ground for removal as an Anganbari Sevika and he has placed reliance on the judgment in the case of *Sabita Kumari Vs. The State of Bihar through Principal Secretary, Social Welfare Department & Ors.* reported in *2017 (4) PLJR 401* wherein reliance has been placed on the judgment in the case of Kumari Hemlata & Ors. Vs. The State of Bihar (L.P.A. No. 419 of 2014) and, in this case, it has been held that one day absence from center will not entail the removal of the person from the post of Anganwari Sevika.

In that view of the matter, the order dated 9.12.2015 passed by the District Programme Officer, Buxar is quashed.

In the result, this writ application stands allowed.

(Shivaji Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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