

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16183 of 2017

1. Sunita Prasad, Wife of Anil Kumar, Resident of Village-Mali Tola Bherokhra, P.S. Tajpur, District Samastipur.
2. Archana Verma, Wife of Sudhir Kumar Verma, Resident of Village-Sirsiya, Block Tajpur, P.S. Bangra, District-Samastipur
3. Ranju Kumari, Wife of Amit Kumar, resident of Ward no.8, Kothia Srichandpur, P.S. Bangra, Block Tajpur, District Samastipur.
4. Sunita Kumari, Wife of Harideo Chaurasia, resident of Ward No.3, Kothia, Block Tajpur, P.S. Bangra, District Samastipur
5. Tara Devi, Wife of Srinath Gupta, Resident of Village-Jogiyamath, P.S. Samastipur Mufasil, District Samastipur

... .. Petitioners

Versus

1. The State of Bihar, through the Principal Secretary, Department of Health and Family Welfare, Government of Bihar , Patna
2. The District Magistrate-Cum-Chairman, District Health Society, Samastipur
3. Civil Surgeon-cum-Member Secretary, District Health Society, Samastipur
4. Block Development Officer, Tajpur, Disrict Samastipur
5. The Incharge Medical Officer, Tajpur Primary Health Centre, District Samastipur
6. Block Coordinator Manager (BCM), Primary Health Centre, Tajpur, District Samastipur

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mr. Avinash Kumar, Advocate Mr. Shashank Thakur, Advocate Swati Sinha, Advocate
For the Respondent/s	:	Mr. Mujtabaul Haque – GP-12 Mr. Mritunjay Kumar, A.C. to G.P.-12

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 18-08-2018

Heard learned counsel for the petitioners and



learned counsel for the State.

In this case, the petitioners were selected as Accredited Social Health Activist (ASHA) Facilitators, but the same has been withdrawn on account of fact that the procedure that has been prescribed under the guidelines for selection of ASHA Facilitator has not been followed.

As per the guidelines, in first transaction a group of 21 ASHAs has to be created and each group of 21 ASHAs will select one ASHA Facilitator among themselves. But in the present case, what they have done, all ASHAs have assembled in one place and there itself created a group and they have selected ASHA Facilitator in one transaction.

Learned counsel for the petitioners submits that there were 147 ASHA workers, they have formed their respective groups and each group has selected ASHA Facilitator, so the selection has been done as per the guidelines provided for the selection of ASHA Facilitator.

However, learned counsel for the State has drawn the attention of this Court to the report of the Committee headed by the District Magistrate, which only says that it has been done in one transaction, but it is a fact that before taking action they were not heard and without giving any notice or show-cause the



impugned order has been passed.

In such view of the matter, the order of termination/disengagement of the petitioners as contained in memo no.1176 dated 02.08.2017 and order containing memo no.219 dated 04.08.2017 are quashed. Let the District Magistrate, Samastipur, issue show-cause upon each petitioner and petitioners, if so like, they may file reply to the show-cause and after consideration of their reply the District Magistrate will have liberty to pass order as per the law.

With the aforesaid observations and directions, this writ petition is allowed to the aforesaid extent.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	24.08.2018
Transmission Date	N/A.

