

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14459 of 2017

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Laxmi Kumari, Wife of Santosh Kumr Sharma @ Manoj Sharma, resident of
Village- Bhelwa, P.O. Aran, P.S.- Saharsa, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Director, Integrated Child Development Scheme, Bihar, Patna.
3. The District Magistrate, Saharsa.
4. The District Programme Officer (Welfare), Saharsa.
5. The Child Development Porject Officer, Satter Kateya, District- Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Krishna Ranjan, Adv.
For the Respondent/s : Mr. Patanjali Rishi, AC to AAG-6

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 18-07-2018

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

In this case, the petitioner is challenging the order dated
8.5.2017 passed by the District Programme Officer, Saharsa,
whereby and whereunder, the petitioner has been dispensed with
from her service on the post of Anganwari Sevika.

The allegation has been made that certain quantity of
liquor was found from her possession and, on that account, she
was arrested, put her behind the bar, is the only reason for
dispensing with the services of the petitioner.

The order of the District Programme Officer itself
reflects that he has passed the order on the direction of the District
Magistrate, Saharsa, whereas the District Magistrate is the



appellate authority. The petitioner was appointed as an Anganwari Sevika of Centre No. 94. The law is well settled that the Disciplinary Authority, while passing the order, should not get influenced by any direction or any dictate of his higher authority rather he has to apply his own independent mind and take a decision in accordance with law but, the order under challenge itself suggests that the proceeding for dispensing with the services of the petitioner was started on the direction of the District Magistrate. It appears that the District Programme Officer was heavily loaded with the order of the District Magistrate on account of some liquor was found from her possession which has been denied by the petitioner and, that too, without giving any proper show-cause or proper opportunity of hearing to the petitioner, passed the order against the petitioner.

The appellate authority has also affirmed the order passed by the District Programme Officer vide order dated 18.7.2017. When the order of the District Programme Officer dated 8.5.2017 itself is found to be tainted and not sustainable, the same is set aside and, as a consequence, the order of the District Magistrate dated 18.7.2017 also goes and is hereby quashed.

The matter is remanded back, the District Programme Officer, Saharsa, who, if so advised, may take a decision



independently without being influenced by any direction or order of any authority.

In the result, this writ application stands allowed to the extent indicated above.

(Shivaji Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.07.2018
Transmission Date	NA

