

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10829 of 2016

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1. Anita Kumari, Wife of Jugeshwar Bhagat, resident of village - Jadua, P.S. Hajipur, District - Vaishali
 2. Soni Kumari, Wife of Bindeshwar Sah, resident of village - Jadua Bagtola, P.S. Town Hajipur, District - Vaishali

... .. Petitioners

Versus

1. The State of Bihar
2. The Principal Secretary, Child and Social Welfare Department, Govt. of Bihar, Patna.
3. The Director, I.C.D.S., Bihar, Patna
4. The District Magistrate, Vaishali
5. The District Programme officer, Vaishali
6. The Child Development Project officer, Vaishali

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Nand Kishore Prasad Sinha, Advocate
For the Respondent/s : Mr. Ashish Kumar Lal, A.C. to G.A.-5

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 08-07-2019 Heard learned counsel for the petitioners and

learned counsel for the State.

In this case, the petitioners are challenging the order dated 16.5.2016, whereby and whereunder the appointment of petitioners as Anganbari Sevika and Sahayika respectively has been dispensed with.

Initially, learned counsel for the petitioners submits that without giving personal hearing, only after seeking



explanation, the services of the petitioners has been dispensed with, is completely *de hors* to the instructions framed by the State Government dealing with the service conditions of the Anganbari Sevika and Sahayika. However, learned counsel for the State submits that the petitioners have participated in the proceeding, which is apparently clear from the impugned order itself, whereupon learned counsel for the petitioners submits that there was no material evidence as well as after five months the impugned order has been passed.

This factual aspect will be looked into by the Appellate Authority. Admittedly, the petitioners have not exhausted the remedy of appeal.

In such view of the matter, this writ petition is disposed of with a direction to the petitioners to exhaust the alternative remedy by way of filing an appeal before the Appellate Authority. If such an appeal is filed, the Appellate Authority after giving hearing to the petitioners will dispose of the appeal by a reasoned order within a period six months from the date of filing of appeal by the petitioners. While deciding the issue of limitation, the Appellate Authority will consider the pendency of this case before this Court.

It is clarified that this Court is not giving any



opinion on the merit of the case. If any appointment is made during the period, that will be subject to result of the appeal.

(Shivaji Pandey, J)

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