

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 14312 of 2014

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Asha Rani, wife of Satyendra Kumar Singh, resident of village - Chhatapur,
P.O. Surpatganj, P.S. Chhatapur, District - Supaul

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Social Welfare, Government of Bihar, Patna
2. The Principal Secretary, Department of Social Welfare, Government of Bihar, Patna
3. The Director, Integrated Child Development Scheme (I.C.D.S.), Bihar, Patna
4. The Commissioner, Koshi Division, Saharsa
5. The District Magistrate, Supaul
6. The District Programme Officer, Supaul
7. The Child Development Project officer, Chhatapur, District - Supaul

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Amrit Abhijat

For the Respondent/s : Mr.Ga13- Namrata Mishra

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 20-08-2019

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

2 The order of the Commissioner, Koshi Division, Saharsa dated 26.04.2013, impugned in the instant proceedings, is a glaring example of the manner in which unnecessary litigation is generated by orders issued by Authorities.

3 The brief background is that petitioner was an Angan Bari Sevika. Center No 96 at Chhatapur Block, where the petitioner was working, was inspected on 17.08.2011 wherein



irregularities were detected. On account of such irregularities, petitioner's selection as Angan Bari Sevika, has been cancelled. The District Programme Officer as well as the District Magistrate upheld the cancellation of petitioner's selection. Petitioner approached this Court in CWJC No 19768 of 2012. On 05.11.2012, the writ petition was disposed of to avail the remedy before the Divisional Commissioner in Revision.

4 Petitioner filed a detailed and elaborate Revision Application before the Commissioner, Koshi Division, Saharsa. Specific ground raised in the said application was that since 17.08.2011 till 19.09.2011, petitioner was under training and during that period, Angan Bari Sahayika was functioning as Incharge. Petitioner has annexed the Training Certificate in respect of the said training which is Annexure 10 to the writ petition. The petitioner, on account of being under training at the time of inspection, pleaded before the Commissioner that she could not be held responsible for whatever irregularities may have been detected at this Center on 17.08.2011.

5 The detailed and elaborate Revision Application filed by the petitioner has been rejected on 26.04.2013 by an order passed by the Divisional Commissioner, Koshi Division which reads as follows:

आदेश



“उभय पक्षो को सुना। कोई साक्ष्य नहीं दिया गया जिससे निम्न न्यायालय के आदेश को गलत प्रमाणित किया जा सके।
अस्वीकृत।”

6 The order of the Divisional Commissioner manifests total non-consideration of the revision application and points raised therein. Order of the Authority dealing with a claim in respect of the petitioner's removal as Angan Bari Sevika, to say the least, is a cryptic order. No reason whatsoever has been assigned in support of the conclusion. Non-assigning of reasons by such Authorities dealing with such issues involving the selection of the petitioner as Angan Bari Sevika has been deprecated time and again. The importance of assigning reason, so as to obliterate arbitrariness and to ensure fairness in the decision, has been reiterated repeatedly by Courts. The Commissioner was obliged to consider the plea raised by the petitioner in her Revision Application and only by assigning reasons, he could have disposed of the same, which has not been done. Such order, as has been passed by the Commissioner on 26.04.2013 amounts to rendering the remedy of Review to be futile. In this connection, this Court would refer to the decision of the Apex Court in the case of Kranti Associates Private Limited & Another -Versus- Masood Ahmad Khan & Others, (2010) 9 Supreme Court cases 496 wherein the



importance of assigning reasons has been emphasized/reiterated by the Hon'ble Apex Court.

7 The order of the Commissioner dated 26.04.2013 suffers from the vice of non-assigning of reasons and total non-consideration. Same is quashed.

8 Irrespective of the new Guidelines having come in place, the Divisional Commissioner, Koshi Division, Saharsa is directed to consider the Revision Application filed by the petitioner in accordance with law in conformity with the principles of natural justice and pass final order by assigning reasons thereupon.

9 The petitioner should present herself for consideration of her Revision Application before the Divisional Commissioner within four weeks.

10 Divisional Commissioner would be obliged to pass final orders within eight weeks thereafter.

11 Writ petition stands disposed of.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.08.2019
Transmission Date	NA

