

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2982 of 2016

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Saliha Khatoon wife of Md. Manzar Alam, Resident of village- Inderwa, P.S.-
Parihar, District- Sitamarhi

... .. **Petitioner**

Versus

1. The State Of Bihar through Principal Secretary, Department of Social Welfare, Government of Bihar, Patna
2. The Director, Integrated Child Development Services, Bihar, Patna
3. The Commissioner, Tirhut Division, Muzaffarpur
4. The Collector, Sitamarhi
5. The District Programme Officer, Sitamarhi
6. The Child Development Project Officer, Parihar, Sitamarhi

... .. **Respondents**

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Appearance :

For the Petitioner : Mr. Ashhar Mustafa, Advocate
For the Respondents : Mr. Kinkar Kumar, SC 27

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 28-03-2019 Heard learned counsel for the petitioner as well as

learned counsel for the State.

The issue in the instant proceedings is cancellation of selection of the petitioner as Anganwari Sevika of Anganwari Center No. 164, Inderwa, P.S. Parihar, Block Parihar, District Sitamarhi. Allegation against the petitioner is that she was absent from the Center in question on the date of inspection, i.e., 15.3.2012.

This Court vide judgment dated 24.7.2018, passed in case of Chinta Devi Vs. State of Bihar and others, arising out of C.W.J.C.No. 19141 of 2016, has already held that the termination of Anganwari Sevika on account of absence of one



day is a punishment excessive and grossly disproportionate to allegations even if the same is found to be true.

The petitioner on account of being absent on 15.3.2012 has been visited with such excessive punishment as her removal from the job of Angnwari Sewika by order of the District Programme Officer, Sitamarhi dated 2.5.2012. Extending the benefits of the said decision in the case of Chinta Devi (supra), this Court would quash the order dated 2.5.2012, whereby selection of the petitioner as Anganwari Sevika of Anganwari Center No. 164, Inderwa, P.S. Parihar, Block Parihar, District Sitamarhi has been cancelled. Consequent to such quashing of the order of removal, the appellate order is also unsustainable. Order dated 11.3.2015 of the Commissioner, Tirhut Division, Muzaffarpur (respondent no.3) rejecting petitioner's appeal, is therefore also quashed.

Learned counsel for the petitioner has submitted that nobody has been selected or appointed in placed of the petitioner till date.

In view of such submission, this Court would direct that as a result of quashing of the impugned orders, the petitioner would be entitled to reinstatement.

It is needless to say that the authorities would be at



liberty to inflict the petitioner with a lower punishment taking into account the gravity of the allegation, in accordance with the proceedings.

Writ petition stands allowed.

(Madhuresh Prasad, J)

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