

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.12079 of 2014**

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Phuljhari Kumari wife of Sri Vinod Ram, Resident of village- Tarachak, P.S.  
Azimabad, District- Bhojpur, Bihar

... .. Petitioner

Versus

1. The State Of Bihar through The Principal Secretary, Department of Social Welfare, Govt. of Bihar, Old Secretariat, Bailey Road, Patna
2. The Director, I.C.D.S., Indira Bhawan, Ramcharitra Singh Path Bailey Road, Patna- 1
3. The Director, Department of Social Welfare, Govt. of Bihar, Old Secretariat, Bailey Road, Patna
4. The Deputy Director, Social Welfare Department, Patna, District- Patna
5. The District Magistrate, Bhojpur, District- Bhojpur
6. The District Programme Officer Bhojpur, District- Bhojpur
7. The Child Development Project Officer, Bakhtiarpur Block, District- Agaon, District- Bhojpur

... .. Respondents

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**Appearance :**

For the Petitioner/s : Mr.Dilip Kumar  
For the Respondent/s : Ms. Archana, AC to AAG 11

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**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

2      11-03-2019                      Heard learned Counsel for the petitioner and the  
  
learned Counsel for the respondent State.

The petitioner has assailed the orders passed by  
Deputy Director Welfare, Patna, rejecting Anganwari Appeal  
No. 13 of 2012-13      filed by the petitioner and also sought  
quashing of the order dated 26.4.2012 of the      District  
Programme Officer Bhojpur cancelling petitioner's selection as  
Anganwari Sevika for Anganwari Center Code No. 110 under  
Agaiwn Block, District Bhojpur.



The punishment of cancelling her selection has been inflicted pursuant to the petitioner having been found absent on 13.2.2012 when the center in question was visited by team of State level officers from Integrated Child Development Directorate.

The petitioner has pleaded that she was suffering with illness and therefore could not attend the center on that date. It is her case that Sahika was requested to discharge social welfare objectives on that particular date.

The respondent authorities have found petitioner's explanation to be admission of her absence and therefore have tried to sustain the order cancelling her selection on account of one day's absence.

The issue has now been decided by this Court in a decision in the case of ***Sabita Kumari Vs. State of Bihar & ors*** in the proceedings arising out of ***CWJC No. 308 of 2015***. This Court has held that extreme penalty of removal in the circumstances where the Anganwari Sevika is found to be absent on one day only, as in the instant case, is grossly disproportionate to the allegation/misconduct alleged or found at the time of inspection.

In view of the said decision, this Court would also



find that removal of the petitioner from her selection as Anganwari Sevika on the ground of one day's absence grossly disproportionate to the allegation/misconduct.

Counsel for the petitioner submits that till date no appointment has been made in place of the petitioner.

Considering aforesaid circumstances, this Court would hold that the order passed by the authority namely District Programme Officer dated 26.4.2012 as well as the order dated 26.4.2014 by the Deputy Director Welfare, Patna are unsustainable and for the reasons indicated hereinabove the said two orders are quashed. As a consequence of quashing of the said two orders the petitioner would be entitled to consequential benefits including her reinstatement.

The writ petition stands allowed.

**(Madhuresh Prasad, J)**

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