

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11939 of 2014

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Shanti Kumari Wife of Sri Jineshwar Singh Resident of Village- Laterganj,
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
- =====

Appearance :

For the Petitioner : Mr.Sunil Kumar II, Advocate
For the State : Mr.Anjani Kumar, AAG 6

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 25-02-2019 Heard learned counsel for the petitioner as well as

learned counsel for the State.

Learned counsel for the petitioner submits that appointment of the petitioner as Anganbari Sevika for Center no. 112 at Agiawn block, District Bhojpur has been cancelled on account of certain allegations of there being few children at the center at the time of inspection and other allegation with regard to running of the center in question.

Specific case of the petitioner is that the departmental guidelines/decisions for laying down the procedure to be followed and quantum of punishment to be given in the



circumstances as alleged against the petitioner, have not been considered by the authorities while passing the order for her removal. Petitioner's counsel has laid specific reliance on the ICDS Directorate letter dated 12.6.2012.

Learned State counsel has submitted that from the order passed by the Deputy Director, Welfare on the petitioner's Appeal No. 15 of 2012-13 it is evident that the issues raised by the petitioner has been taken note of by the Appellate Authority.

This Court has seen order passed by the Deputy Director, Welfare on 26.4.2012 rejecting the appeal filed by the petitioner. Order does take note of the letters of the ICDS Directorate relied upon by the petitioner. However, the authorities after taking note of relied upon decisions of the department have not dealt with the reasons why the procedure prescribed therein or the quantum of punishment prescribed therein was not to apply in the case of the petitioner. Order of the Deputy Director, Welfare shows non consideration of the departmental circulars/decisions relied upon by the petitioner.

Order dated 26.4.2014 on the Angabbari Appeal No. 15/2012-13 issued by the Deputy Director, Welfare, Patna Division, Patna is quashed. Matter is remitted to the Appellate Authority to take a decision considering the issues raised by the



petitioner as taken note of herein above. Let the final decision be taken after notice to the concerned authorities expeditiously and preferably within four months from the date of receipt/production of a copy of this order.

Writ petition is disposed of.

(Madhuresh Prasad, J)

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