

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9025 of 2015

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Rita Kumari Wife of Balmiki Kumar, resident of village- Pakariya Bigha,
P.O.- Babhanbarui, P.S.- Hilsa, District- Nalanda

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Commissioner, Patna Division, Patna
3. The District Magistrate, Nalanda
4. The D.C.L.R., Hilsa, Nalanda
5. The District Programme officer, Nalanda at Biharsharif
6. The C.D.P.O., Hilsa, Nalanda
7. Smt. Nilam Kumari, Wife of Ranjeet Kumar, resident of Village- Pakariya Bigha, P.O.- Babhanbarui, P.S.- Hilsa, District- Nalanda

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Uday Prasad, Advocate
For the Respondent/s : Mr. Vivek Anand Amritah AC to SC-28

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 13-11-2019

Heard learned counsel for the petitioner and

learned counsel for the Respondent-State.

2. The case of the petitioner is that the private respondent, who was earlier the 'Sevika' for Center No. 112 at 'Pakariya Bigha' stood removed on account of irregularities found during the inspection of the Center on 27.03.2012. The respondent No.7 was absent from the Center in question on that day and the Center was closed. The issue was subsequently enquired into and the



claim of the respondent No.7 that she was under treatment on that day was found correct by the District Programme Officer, Nalanda by order dated 31.03.2015. By the time the said finding was recorded by the District Programme Officer, the petitioner had come to be selected as '*Sevika*' for the same Center.

3. The counsel for the petitioner submits that the Medical documents which were relied upon to direct for reinstatement of the Respondent No.-7 were not genuine and could not have been relied upon in support of her claim. The issues of fact, based on records, are required to be seen to determine objection of the petitioner.

4. Learned State counsel submits that under the current guidelines dated 27.05.1990, the petitioner has a remedy before the Divisional Commissioner under Clause-12 of the said guidelines.

5. The nature of factual scrutiny required as per petitioner's submission, are best to be left for the Authorities to examine, moreso, in view of



existence of remedy of an Appellate Forum to the petitioner.

6. The matter is, therefore, disposed off with liberty to the petitioner that she may avail the remedy before the Commissioner, Patna Division, Patna (Respondent No.2) against the order dated 31.03.2015, within a period of four (04) weeks. If the petitioner avails the remedy within the said period, the issue of delay occasioned in filing the appeal, on account of pendency of the instant proceedings, shall not be raised against the petitioner, and the matter decided by the Respondent no.2 upon its merit after hearing the parties concerned expeditiously and without undue delay.

(Madhuresh Prasad, J)

shyambihari/-

AFR/NAFR	NAFR
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