

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 12394 of 2014

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Simran Bharti @ Pushpa Devi, aged about 32 years, W/o Sri Devcharan Ram,
Resident of Village - Godiha, P.O. - Beghi, P.S. - Sahar, District Bhojpur,
Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Social Welfare, Government of Bihar, Old Secretariat, Bailey Road, Patna
2. The Director, ICDS, 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, Bakhtiarapur Block - Agoan, District Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr Jogendra Kumar, Advocate
For the Respondent/s : Mr Ram Subhas Singh, AC to AAG VII

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 08-04-2019

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

2 It is submitted by the petitioner's counsel that under identical circumstance as the petitioner (Sahaika), and having regard to the same irregularities being found at Center No 80, Angan Bari Sevika of the Center, namely, Bindu Kumari was also visited with the penalty of cancellation of her selection. The



Appellate Authority, on the Appeal Case No 61 of 2012-2013 filed by Bindu Kumari, has allowed the said Bindu Kumari to be reappointed as Angan Bari Sevika.

3 In the matter of award of punishment on identical allegations, and in the facts and circumstances of this case, the Appellate Authority was required to maintain consistency.

4 Having regard to the aforesaid submission, this Court would permit the petitioner to approach the Appellate Authority, who is presently the Collector, Patna. The matter should be considered for grant of parity to the petitioner if the petitioner succeeds in persuading the Appellate Authority that her case is similar and identical to that of Bindu Kumari.

5 Learned counsel for the petitioner submits that the petitioner would be filing her application before the current Appellate Authority that is the Collector (respondent No 5) within a period of four weeks from today.

6 In the event, such an application is filed, respondent No 5 should dispose of the same within a period of eight weeks thereafter by a reasoned and speaking order maintaining parity, if the cases are similarly situated.

7 Order of the Deputy Director (Welfare), Patna Division, Patna dated 26.04.2014 is quashed.



8 Writ petition is allowed to the extent indicated herein
above.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.04.2019
Transmission Date	NA

