

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12162 of 2014

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Sushila Kumari @ Sushila Devi Wife of Shri Uday Singh Resident of Village-
Sakari, Ward No. 3, Rajput Tola, P.O. Sakari Chowki, P.S- Arwal, District-
Arawal Bihar.

... .. Petitioner

Versus

1. The State Of Bihar through the Principal Secretary, Department of Social
Welfare, Government of Bihar, Patna
2. The Director, ICDS, Indira Bhawan, Hartali More, Patna.
3. The Commissioner, Magadh Division, at Gaya.
4. The District Magistrate, Arawal.
5. The District Programme Officer, Arawal
6. The Child Development Project Officer, Arawal.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Amrit Abhijat Mr. Ujjawal Kumar
For the Respondent/s	:	Mr. Sushil Kumar Singh, AC to AAG 1

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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.

It is specific case of the petitioner that the order dated
23.6.2012 issued by District Programme Officer cancelling
petitioner's selection as Anganwari Sevika is without
opportunity of hearing and merely on the dictates of the
Director, Social Welfare, as is apparent from a plain reading of
the said order. By the same order dated 23.6.2012 three other
Sevika and Sahaiya have been removed in the same manner.

Relying upon Annexure 7, i.e. Order dated 17.1.2014



passed in CWJC No. 16789 of 2012 by another person affected by the same order, it is submitted that since the same order has been found to be unsustainable for the same reason, the petitioner should also have been extended benefits of the said order and matter should have been considered afresh by respondents themselves in view of Clause 4 (C)(i) of the State Litigation Policy regarding “covered matters”.

The State authorities, however, tried to raise a plea of availability of alternative remedy.

Such stand of the State Government is contrary to their own Litigation Policy and Clause 4(C)(i). Since the same order has been quashed for the same reason which the petitioner alleges, this Court has no hesitation in quashing the order dated 23.6.2012 as it cannot be sustained in judicial review as being on the dictates of the higher authority. Order is also without assigning any reason or considering the show cause or explanation which was filed by the petitioner.

The writ petition is, accordingly, allowed. The matter is remanded back to the competent authority for passing a fresh order, in accordance with law.

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(Madhuresh Prasad, J)

