

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13365 of 2014

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Madhuri Devi wife of Mahendra Ravidas, resident of village- Kadi Bigha,
P.S.- Rahui, District- Nalanda, Bihar

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Deputy Director, Welfare, Patna Division, Patna
3. The District Programme Officer, Nalanda
4. The Child Development Project Officer, Rahui, Nalanda

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Amar Nath Yadav
For the Respondent/s : Mr.Ga7- S.P. Singh

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

2 09-07-2019 Counsel for the petitioner is permitted to implead the

Commissioner, Patna Division, Patna as respondent no.5 to the

writ petition in course of the day.

Heard counsel for the petitioner and counsel for the

respondents.

Petitioner was Anganbari Sahayika for center no. 73

under Rahui block in the district of Nalanda. She was found one

day's absence i.e. on 29.02.2014 when center in question was

being inspected.

Counsel for the petitioner submits that extreme

punishment of cancellation of the petitioner's selection is

disproportionate to the allegation of just one day's absence. He

relies upon the decision of this court in the case of Sabita



Kumari vs. State of Bihar and others passed in CWJC no. 308/2015. The order passed in the case of Sabita Kumari is in the case of Anganbari Savika whereas petitioner is Anganbari Sahayika. Nonetheless gravity of allegation is disproportionate to the punishment of cancellation of selection issue which is same in two cases.

The order passed by Deputy Director (Welfare), Patna Division, Patna in Anganbari Appeal no. 105/2012 is therefore, quashed. Matter is remitted to the current appellate authority under guideline. Petitioner would approach competent Appellate Authority under the current guidelines placing reliance on the case of Sabita Kumari (supra).

Appeal of the petitioner should be considered by the appellate authority, namely, Commissioner, Patna Division, Patna and the Commissioner should take final decision on appeal after hearing of the party concerned in accordance with law by reasoned and speaking order.

Writ petition stands disposed of.

(Madhuresh Prasad, J)

s.hassan/-

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