

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 13420 of 2014

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Sanju Devi wife of Sanjay Kumar, resident of Piperdaha, P.S.- Paliganj,
District- Patna

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Director, Child Development Programme Department, Old Secretariat, Bihar, Patna
3. The Secretary, Child Development Programme Department, Old Secretariat, Bihar, Patna
4. The District Programme Officer, Patna
5. The Child Development Pariyojana Padadhikari, Paliganj
6. Mahila Supervisor, Smt Rekha Sharma, Paliganj
7. Member, Gram Panchayat Raj, Sarso, Piperdaha, Ward No 10, Paliganj, District- Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr Anuj Sinha, Advocate
For the Respondent/s : Mr Pankaj Kr Singh, AC to GA IX

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 06-08-2019

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

2 Learned counsel for the petitioner submits that the order whereby petitioner has been removed from functioning as Angan Bari Sevika is not sustainable in law. The petitioner was working as Angan Bari Sevika at Centre No 58, Piperdaha, East Centre Code 27, PS – Paliganj in the district of Patna. The Centre



was inspected on 25.05.2013, 26.07.2013 and 28.06.2013. On all these three dates, the petitioner was found absent and on account of her absence, the order of cancellation of her selection has been issued by the Authorities.

3 Learned counsel for the petitioner, placing reliance on a decision of this Court in the case of Manjula Kumari & Others -Versus- State of Bihar & Others, 2013 (1) PLJR 901, submits that inspection was not done by a Team as is required under the relevant Guidelines. On such ground, the action of the Authorities, contrary to the Guideline, is unsustainable. Learned counsel also submits that the Authorities have not considered the petitioner's response to the show cause (Annexure 6) and that order passed by the District Programme Officer as well as the Deputy Director (Welfare) is non-speaking order. It is also his submission that there is no other allegation against the petitioner that she has committed any act of irregularity in running the Centre.

4 The aforesaid submissions have to be considered in the background of the facts of the instant case. The petitioner has been given an opportunity to respond to the findings of the inspection on the three dates, taken note of herein above. Response of the petitioner is Annexure 6. For all the three dates



on which she has been found absent from the Centre, the petitioner has admitted her absence but tried to justify her absence for one reason or the other. The fact of absence has been admitted. The Centre was established for disseminating the welfare scheme for children and pregnant women of the area. The inherent admission, in opinion of this Court, is sufficient to sustain the consequence of her removal as Angan Bari Sevika. She has been found absent for three dates. No prejudice has been caused to the petitioner on account of non-consideration of the response and non-consideration of the pleas set forth by her in view of her admission of being absent on the three dates, without any intimation to the competent authority.

5 This Court does not find any infirmity in the order of removal of the petitioner from the Centre in question.

6 Writ petition stands dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.08.2019
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