

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13778 of 2013

=====

Shakuntla Devi Wife Of Sri Birendra Kumar Resident Of Village -
Aurangabad, P.S. - Aurangabad And District - Aurangabad Bihar

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Director, I.C.D.S. Bihar, Patna
3. The District Magistrate, Aurangabad
4. The District Programme Officer, Aurangabad
5. The Child Development Project Officer, Aurangabad

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Rajendra Kumar Jain, Adv.
For the Respondent/s : Mr.Anjani Kumar, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 06-02-2019

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

I.A. No. 9043 of 2018 has been filed for quashing the
order dated 23.5.2009 (Annexure-2) passed by the D.P.O.,
Aurangabad and the order dated 16.2.2010 confirming the
termination order (Annexure-4).

In the present case, the petitioner is challenging the
order dated 31.12.2012 in Anganwari Appeal/Revision No. 75 of
2010 refusing to set aside the order dated 23.5.2009 passed by the
D.P.O., Aurangabad on account of dereliction in discharge of duty
which has been affirmed by the District Magistrate vide order
dated 16.2.2010 (Annexure-4).



Earlier the Commissioner, Magadh Division had passed an order dated 3.11.2011 which was subject matter of challenge before this Court in C.W.J.C. No. 4536 of 2012 (Annexure-12) wherein the order was set aside and the matter was remitted back to the Commissioner to take a decision in accordance with law, whereafter, the present impugned order has been passed in view of the order passed by this Court.

Primarily the petitioner has been removed to discharge the function of Anganwari Sevika on account of failing to open the Anganwari Center which is a single day allegation for failure to open the center led to removal of the petitioner.

Learned counsel for the petitioner submits that one day dereliction of duty to open the center will not visit with the order of removal and there can be any other order than removal. Reliance in this connection has been placed on the order dated 25.10.2013 passed by this Court in C.W.J.C. No. 12494 of 2011.

Learned counsel for the State submits that one day failure is sufficient to visit the order of removal of the petitioner and further submitted that it is not known whether any person has been appointed as Anganwari Sevika on the said post.

Learned counsel for the petitioner submits that still the post is running vacant and no one has been appointed in her place.



As the present case is covered by the judgment as aforesaid, all the orders dated 23.5.2009, the order dated 16.2.2010 and order dated 31.12.2012 are quashed and the petitioner will be reinstated subject to if no person having been appointed as Anganwari Sevika situated in Anganwari Centre, Yari (Code 58).

In the result, this writ application stands allowed to the extent indicated above.

(Shivaji Pandey, J)

rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.02.2019
Transmission Date	

