

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 12333 of 2014

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Bibha Devi, Wife of Rajesh Choudhary, Resident of Village- Sonbarsa Raj,
Police Station- Sonbarsa Raj, District- Saharsa, Ward No. 3, (Centre No 176),
Centre Balu Tola, Panchayat- Sonbarsa, District- Saharsa.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Director, Social Welfare/ICDS, Bihar, Patna
2. The Deputy Director, Social Welfare/ ICDS, Bihar, Patna.
3. The Assistant Director, Social Welfare, ICDS, Bihar, Patna
4. The Secretary, Government of Bihar, Social Welfare Department, Bihar, Patna.
5. The Area Development Officer, Koshi Division, Saharsa.
6. The District Programme Officer, Saharsa.
7. The Child Development Project Officer, Sonbarsa Raj, Police Station- Sonbarsa Raj, District- Saharsa

... .. Respondent/s

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Appearance :

For the Petitioner/s : M/sViveka Nand Singh, Hira Jha, Advocates
For the S t a t e : Mr Ram Chandra 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 Petitioner was an Angan Bari Sevika for Center Balu Tola No 176. The Center in question was inspected by a team of the Directorate on 09.04.2013. The Inspecting Team reported that food was not being prepared at the Center and that they could not find any programme running for education and health at the Center in question.



3 Petitioner has been issued a show cause on these two allegations. Her response was that in the morning, she had suffered stomachache and had gone for check up. When she returned, she saw the Inspecting Team present at the Centre and pleaded with them that there has been some delay on account of her illness in the morning.

4 Under such circumstance, the petitioner has been visited with the most severe punishment available to the Authorities. Her selection as Angan Bari Sevika has been cancelled.

5 Quantum of punishment, unless it is shocking to the conscience and grossly disproportionate to the allegation and finding, is not to be interfered with by Courts exercising jurisdiction under Article 226 of the Constitution of India. This Court in the case of *Sabita Kumari -Versus- State of Bihar & Others (CWJC No 308 of 2015)*, has already held that even if the Sevika is absent for one day then, in the circumstance, the lapse is not such so as to warrant the extreme punishment of the selection being cancelled. In the instant case, the Authorities have not reported absence of the petitioner but lapses which are lesser than absence as taken note of herein above, on a particular date when the Center was inspected. The petitioner has also raised mitigating



circumstances regarding her illness in the morning. The circumstances are such that would require reconsideration on the issue of the quantum of punishment.

6 Having regard to the decision of this Court in the case of *Sabita Kumari (supra)*, this Court would direct the Regional Development Officer, Koshi Division, Saharsa should reconsider the punishment awarded to the petitioner having regard to the decision of this Court, taken note of herein above, including the mitigating circumstances raised by the petitioner as also the fact that earlier there is no instance of any lapse having been reported in respect of the petitioner's Center. The decision should be taken by the Authority to award a lesser punishment, which would be commensurate to the lapse and with due regard to the considerations, taken note of herein above, within a period of eight weeks from the date of receipt/production of a copy of this order.

7 Writ petition is disposed of with the aforesaid directions.

(Madhuresh Prasad, J)

M.E.H./-

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

