

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13449 of 2014

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Pusplata Devi w/o Shri Baleshwar Prasad resident of village - Mahmadpur,
P.S. Ben, Distt. - Nalanda at Biharsharif.

... .. Petitioner/s

Versus

1. The State of Bihar represented through Principal Secretary, Social Welfare Department, old Secretariat, Patna.
2. The Deputy Director, Welfare Patna Division, Patna.
3. The District Magistrate, Nalanda at Biharsharif.
4. The Director, ICDS, Indira Bhawan, Ramcharitra Singh Path, Bailey Road, Patna.
5. The District Programme Officer, Nalanda at Biharsharif.
6. The Child Development Project Officer, Ben (Nalanda).
7. Lady Supervisor, Ben Block, Distt. - Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dilip Kumar, Adv.
For the Respondent/s : Mr.Rajiv Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 16-07-2019 On account of the petitioner's absent on one day from the Centre i.e. 30.3.2012, she has been removed from the post of Anganwari Sevika. The inspection was conducted on 30.3.2012. The Counsel for the petitioner relies upon decision of this court in the case of Lalita Kumari Vs. State of Bihar and Ors. LPA No. 318 of 2013, in which, extreme penalty of removal from service, where the Sevika has been found absent only for one day has been found to be disproportionate. The claim of the petitioner based on the said judgement is, therefore, to be considered by the authorities as to whether the petitioner is able



to make out any mitigating circumstance for interfering with the quantum of punishment. The writ petition stands disposed off.

The Appellate Authority, i.e. the Commissioner Patna Division should examine the claim of the petitioner having regard to the mitigating circumstances on the basis of decision in the case of Lalita Kumari Vs. State of Bihar and Ors. Such decision be taken by the reasoned and speaking order in accordance with law, after hearing the parties concerned, expeditiously and without any undue delay.

(Madhuresh Prasad, J)

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