

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9515 of 2019

=====

Rita Kumari @ Rita Devi W/o Akhilesh Chaubey Resident of village-
Jarigawan,P.O. Karahansi,P.S. Buxar(M),Dist.-Buxar

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary,Social Welfare Department
Govt. of Bihar,Patna
2. The Director, Integrated Child Development Service Social Welfare
Department Govt. of Bihar,Patna
3. The District Magistrate, Buxar
4. The Deputy Development Commissioner, Social Welfare Department,Buxar
5. The District Programme Officer, Dist.-Buxar
6. The Child Development Project Officer, Dist.-Buxar
7. The District Co ordinator ISSNIP Buxar Dist.-Buxar

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Anirudh Mishra
For the Respondent/s : Mr.Prashant Pratap (Gp2)

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 01-08-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner was working as Anganbari Sevika at
Centre No. 155, Buxar. Centre in question Centre was inspected
on 02.09.2015 at about 11:00 AM by the Authorities. The
petitioner was absent. Taking note of the petitioner's absence on
02.09.2015 and statements made by other local persons alleging
that the centre was not being run properly, petitioner's selection
as Aganbari Sevika has been cancelled. The petitioner
approached the District Programme Officer. By his order dated



14.01.2016, he has rejected the petitioner's application. The petitioner, thereafter filed an appeal before the District Magistrate, Buxar. The case bearing Appeal No. 23 of 2016 (Misc. Anganbari) was rejected on 18.01.2019. The order of cancellation of petitioner's selection has therefore been affirmed by both the Authorities.

The petitioner is before this Court on account of one day absence. Learned counsel for the petitioner submits that extreme penalty of removal and cancellation of selection is disproportionate to the allegation. In this connection counsel for the petitioner relies upon decision of this Court in the case of Sabita Kumari in C.W.J.C. No. 308 of 2015. The additional points raised by the petitioner is that on the date on which inspection was conducted, there was general strike of Bihar State Anganbari Staff Union about which the District Magistrate had been duly informed by annexure-2 and as such the petitioner's absence therefore could not have been dealt with by a penalty as all Sevikas on that particular date were on strike. The communication of District Magistrate (Annexure 2/2) is relied upon in support of this submission.

Learned counsel for the petitioners submits that still no selection of Anganwari Sevika for Centre No.155 has been



done.

In the circumstances, this Court would observe that the order passed by the Authorities are not only excessive and disproportionate to the alleged offence but by taking into consideration the statement of some persons in the locality against the petitioner without allowing the petitioner any opportunity of even examining the statements given by the said persons. The fact of the general strike on the date of inspection would also ensure to the benefit of the petitioner. This Court, therefore would quashed the order passed by the District Programme Officer dated 14.01.2016 as well as the order of the District Magistrate dated 18.01.2019 rejecting the petitioner's appeal.

Accordingly, this writ petition stands allowed.

If no selection has been made in the meantime, the petitioner shall be restored to her post.

(Madhuresh Prasad, J)

S.Katyayan/-
Rahul Mishra.

U			
---	--	--	--

