

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1173 of 2015

Nilima Sinha Formerly Child Development Project Officer Tillothu, P.S-
Tillothu, Distt.-Rohtas

... .. Petitioner

Versus

1. The State Of Bihar
2. The Chief Secretary to the Govt. of Bihar, Old Secretariat, Patna
3. Cabinet Secretary cum Commissioner, Govt. of Bihar, Old Secretariat, Patna
4. Secretary cum Commissioner, to the Department of Social Welfare Bihar, Old Secretariat, Patna
5. Joint Secretary to the Govt. Department of Social Welfare, Govt. of Bihar.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Keshav Kumar Sinha
For the Respondents	:	Mr. Birju Prasad, GP 13 with M/s Amresh, K.M.Prasad, Ajit Anand and Sweta Anand, All AC to GP 13

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 18-01-2019

Heard learned Counsel for the petitioner and the learned
Counsel for the respondent State.

It is submitted by the petitioner's Counsel that the findings in the proceedings have been arrived at without examining the 14 Anganwari Sevikas in presence of the petitioner or her Advocate who was appearing in the proceeding. It is submitted that the statements given by 14 Anganwari Sevikas against the petitioner were also not made available during the proceedings and, as such, the order of punishment dated 27.4.2012 whereby the petitioner has been dismissed from service in



purported exercise of power under Rule 14(11) of the Bihar CCA Rules 2005 is in sustainable in law.

Learned Counsel for the respondent State submits that the petitioner has adequate remedy and that the issue whether opportunity was granted in course of enquiry to cross-examine the 14 Anganwari Sevikas, and/or whether the statements allegedly submitted by them against the petitioner were made available to the petitioner or not, can well be seen by the authorities exercising the power of review under Rule 24(2) of the Bihar CCA Rules 2005.

Counsel for the petitioner submits that apart from that there are other infirmities also which he would like to point out before the authority who will be exercising the power of review under Rule 24(2) of the aforesaid provision.

Having considered the submission of the parties the writ petition is disposed of with liberty to the petitioner to raise his objections before the Competent Authority under Rule 24(2) of the Bihar CCA Rules 2005 by filing review and/or in the form of memorial before the Competent Authority.

In the event such a review is filed within four weeks from today, the same shall be considered and final order thereupon



be passed in accordance with law by a reasoned and speaking order within a period of three months thereafter.

The writ petition stands disposed of.

(Madhuresh Prasad, J.)

SNkumar/-

AFR/NAFR	NAFR
CAV DATE	N/A
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