

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17321 of 2017

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Nirmala Kuamri @ Nirmala Devi wife of Ram Japu Jhakur, Resident of
Village- Pathai, P.S.- Sadar, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna.
2. The District Welfare Govt. of Bihar, Patna.
3. The Dy. Director Welfare Tribute Commissioner Muzaffarpur.
4. The District Magistrate, Muzaffarpur.
5. The District Programmer Officer, Muzaffarpur.
6. The Child Development Programme Officer Mushari Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Nachiketa Jha, Adv.

For the Respondent/s : Mr. Mithilesh Kumar Upadhyay, AC to GP3

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 08-05-2019

Heard learned counsel for the parties.

In this case, the petitioner is challenging the order passed by the District Programme Officer vide Memo No. 1517/pro dated 27.10.2017, whereby and whereunder, the petitioner has been terminated from service which the petitioner challenged in Misc. No. 80/2015-16 and the same was confirmed by the Collector vide order dated 5.5.2017.

The petitioner was posted as Anganwari Sevika at Centre No. 27 Maripur, Mehta Compound, Muzaffarpur. On 4.9.2014, an inspection was made and finding has been recorded that no child was found present therein, there was no notice board or menu chart was displayed as also there was no utensil for service of Poshahar to the



children, she was also not in uniform, the register was not made available for inspection and, after that, she was given show-cause which she replied having stated that 14 children were there, after taking meal, they have left the place, as there was a small room, as such, display board was not available, all the records were present at the center and the same was not demanded for inspection, on 4.9.2014, on account of very high temperature, the children were in the field and requested for her reinstatement.

In the counter affidavit, it has been stated that the statement made by the petitioner that everything was in order is completely wrong, the children were not available, the display board was also not there nor utensils for supply of food was present. So, the statement made by the petitioner has been contradicted in the counter affidavit.

These are disputed questions of fact, cannot be adjudicated upon in the present proceeding.

Accordingly, this writ application is disposed of with a liberty to the petitioner, if so advised, she may take any legal recourse as is available to her in law.

(Shivaji Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.05.2019
Transmission Date	

