

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.129 of 2018

In

Civil Writ Jurisdiction Case No.7307 of 2014

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Smt. Sarwari Bano, Daughter of Md. Anwar Warsi, resident of Panchaitiya Akhara, Police Station- Kotwali, District- Gaya.

... .. Appellant/s

Versus

1. The State of Bihar
2. The Director, Social Welfare Department, Govt. of Bihar, Patna.
3. The Deputy Director, Social Welfare Department, Magadh Division, Gaya.
4. The District Magistrate, Gaya.
5. The District Program Officer, Gaya.
6. The Child Development Project Officer, Gaya Rural, District- Gaya.
7. Nishi Praween, wife of Asfrat Alam, resident of Village- Panchayati Akhara, Police Station- Kotwali, Gaya.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Manish Kumar No-2, Acvocate
For the Respondent/s	:	Mr.Gyan Prakash Ojha -GA-7
For Respondent No. 7	:	Mr. Sarvdev Singh, Advocate
		Mr. Gautam Kumar Yadav, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 03-04-2019

Heard learned counsel for the appellant and learned counsel for the respondents.

2. The appellant was an Anganwari Sevika whose engagement has been terminated after an inspection on 11th of November, 2011. She was issued a show-cause notice which contains five allegations. The said allegations were replied to,



but it is also on record that at the time of inspection the appellant had categorically stated before the Inspection Party that she had to pilfer Rs. 2,000/- per month for obtaining the requisite aid for purchasing the commodities to be consumed in the Anganwari Centre.

3. Learned counsel contends that inspite of the correct explanation having been given, the authority proceeded to disengage the appellant, whereafter she preferred an appeal before the Deputy Director. The Appellate Authority has completely travelled beyond the scope of the charges and has taken into consideration such evidence about which the appellant was never put to any show-cause. Learned counsel, therefore, submits that this procedure adopted by the respondents clearly violates the principles of natural justice and as a matter of fact, inspite of the correct explanation having been given, no appropriate consideration was made and, therefore, the disengagement order as well as the Appellate Order both deserve to be set aside.

4. We have considered the submissions raised and we have gone through the records of the writ petition as well.

5. The learned Single Judge has dismissed the writ petition after having recorded the facts relating to the social



audit conducted and the findings arrived at with regard to insufficient distribution of food.

6. At the very outset, we may put on record that the recital contained in the Inspection Note that the appellant had to offer Rs. 2,000/- per month for receiving the commodities for being consumed is by itself sufficient material to disengage the appellant, inasmuch as, her engagement was not to obtain commodities after extending a bribe. This situation speaks volumes of the manner in which the Anganwari Centre might have been run with the aid of the appellant who was an Anganwari Sevika.

7. Apart from the aforesaid facts, the contention that the appellant did not have any opportunity to explain the entire evidence, which has been taken into consideration by the Appellate Authority, suffice it to say that the Appellate Order begins with the recital in the finding part that the judgment was being delivered after having heard learned counsel for all the parties. No such plea appears to have been taken, rather the evidence itself has been contested on merits. A perusal of the Appellate Order, therefore, indicates that the appellant was well aware of the contents of the entire material that was available for the purpose of disengaging the appellant and she had full



opportunity to contest the same. Thus, there was neither any procedural lapse nor was there any legal infirmity which could have been interfered with by the learned Single Judge.

8. We, therefore, find no reason to interfere in this matter. The appeal lacks merit and is accordingly rejected.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

P.K.P./-Jagdish

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