

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15564 of 2011

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RAMDANA KUMARI W/O Sri Sanjay Yadav R/O Village-Gospur, P.O.-
Goriyari, P.S.-Salkhua, District-Saharsa.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR and ORS
2. Commissioner, Koshi Range, Saharsa.
3. District Magistrate, Saharsa.
4. District Programme Officer, Saharsa.
5. Child Development Project Officer, Salkhua Under District Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Diwakar Prasad Singh
For the Respondent/s : Mr.P.K. Verma Aag5

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 02-09-2019 Heard counsel for the petitioner and counsel for the
respondents-State.

Counsel for the petitioner submits that inspection of the center was conducted on 21.08.2010 at 11.45 A.M. Relying upon annexure 7 i.e. calendar regarding running of center by the authorities, it is submitted that since inspection was in August, center was to be open till 11 A.M. Finding the center being closed at 11.45 A.M., would not amount to any irregularity. Many other submissions had been made in appeal filed before the Commissioner in Anganbari Revision case no. 26/2011. Without considering the issue raised in appeal, cancellation of petitioner's selection as Anganbari sevika for center no. 62



Goshpur Gram Panchayat Hareba P.S. Salkhua District Saharsa
has been upheld by the Commissioner.

The order of the Commissioner reads as follows:-

“The inspection took place on 21.8.2010, at 11.45 A.M. when the center was supposed to be open till 12.00 Noon.

The D.M.'s order appreciated the clerical error. His speaking order is logical and correct. The order of D.M. Saharsa is upheld”.

Detailed and elaborate submissions made in the appeal filed on 16.05.2011 has been rejected by a most cryptic order.

The order suffers from the vice of non- application of mind and also total non-consideration of pleas set forth by the petitioner in her appeal. Such order cannot be permitted to continue. In this connection, this court would refer decision of the Apex Court in the case of Kranti Associates Private Limited and another vs. Masood Ahmed Khan and others reported in (2010) 9 Supreme Court Case page 496. Importance of assigning reason has been reiterated time and again by Courts. The Apex Court in the case of Kranti Associates (supra) has laid down various circumstances wherein importance of assigning reason has been emphasized so as to minimize arbitrariness and ensure fairness in the decision. In the opinion of this Court order dated 29.07.2011 is in violation of law laid down by the Apex



Court.

For the reasons recorded hereinabove, this Court would therefore, quash the order dated 29.07.2011 passed by the Commissioner, Koshi Division, Saharsa.

Petitioner, in order to facilitate proper consideration of her appeal, should appear before the Commissioner, Koshi Division, Saharsa within four weeks. Respondent no.2 would be obliged to consider the revision filed by the petitioner by a reasoned and speaking order in accordance with law after hearing the parties concerned expeditiously and without any undue delay.

Writ petition stands allowed to the aforesaid extent.

(Madhuresh Prasad, J)

s.hassan/-

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