

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7283 of 2015

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Kanchan Devi w/o Hareram Chaudhary r/o village Rajpur Ps. Natwar Distt.
Rohtas at Sasaram.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Deputy Director Welfare Patna Commissioner commissioner's compound,
Patna Commissioner West Gandhi Maidan
3. District Magistrate Rohtas, Sasaram
4. District Programme Officer Rohtas
5. Child Development project officer Dinara, Rohtas
6. Mukhiya Gram Panchayat Rajpur Block Dinara Distt. Rohtas
7. Anganwari sevika, Centre no.2 Dinara PS. Dinara Distt.Rohtas

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shiopujan Singh
For the Respondent/s : Ms.Puachi Pallavi, AC to AG

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 23-04-2019

Heard counsel for the petitioner and counsel for the respondents.

On account of one day's absence of the petitioner, who was Anganbari Sahayika for center no.2, her selection has been cancelled. It is alleged that when the center was inspected on 05.12.2012, petitioner was absent. Anganbari Sevika at the time of inspection gave statement that the petitioner is habitual absentee.

The issue regarding petitioner being habitually absent has not been enquired either by the District Programme Officer,



Rohtas or by the appellate authority i.e. Deputy Director (Welfare), Patna Division, Patna. Petitioner's selection as Anganbari Sahayika has been cancelled only on account of absence on the fateful day.

This court, in the case of Sabita Kumari vs. State of Bihar and others passed in CWJC no. 308/2015, has held that extreme penalty of removal or cancellation of selection in case of Anganbari Savika for a single day aberration viz closure of a center with no accompanying circumstances supporting such extreme penalty is harsh and arbitrary. In light of the said decision, this court would direct Deputy Director (Welfare), Patna Division, Patna (respondent no.2) to reconsider petitioner's explanation and take a decision in light of legal position emanating from the order passed in the case of Sabita Kumari (supra). Petitioner has not placed on record fact whether after her removal any Sahayika has been appointed in her place.

If no appointment is made in place of the petitioner on post of Anganbari Sahayika; and if made, with a condition that it is subject to result of pending legal proceeding at the instance of the petitioner, then respondent no.2 having regard to the legal position may consider reinstatement of the petitioner, if there are no other intending circumstances justifying extreme penalty of dismissal.



Writ petition is disposed off.

(Madhuresh Prasad, J)

s.hassan/-

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