

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4256 of 2015

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Parmila Kumari wife of Sri Kishor Kumar Vishwakarma, resident of Village-Daulatpur Simri, P.S., Bihta, District- Patna, dismissed Agan Bari Sevika Centre Daulatpur Simri code no. 158, Bal Vikash Pariyojna Bihta, District-Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director, Welfare Department , Government of Bihar, Patna.
3. The Divisional Commissioner, Patna Division, Patna
4. The Deputy Director , Welfare , Patna Division, Patna
5. The District Magistrate , Patna.
6. Sri Sudhir Kumar , the District Programme Officer, Patna, Patna Collectorate, Patna.
7. Manju Rani , the Child Development Project Officer, Bihar, Patna.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Vishnu Kant Dubey
		Mr. Md. Anisur Rahman
For the Respondent/s	:	Mr. Ajay Kumar- AC to GP 4

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 19-04-2019

Heard learned Counsel for the petitioner and the respondent State.

The petitioner was the Anganwari Sevika at the center in question. On 27.11.2011, the Child Development Project Officer Bihta visited Center No. 158 at Village Daulatpur Simri in Bihta Block, where the petitioner was Sevika. It was brought to the notice of the inspecting team that some irregularities had transpired on the previous day when *khichri* was also not prepared.



Allegation was that some biscuits had been distributed at the center in question on 26.11.2011 and many children fell ill. On the basis of such information gathered at the inspection on 27.11.2011, the petitioner being Anganwari Sevika along with the Sahaika were removed from their posts after giving due opportunity.

Counsel for the petitioner submits that before the Appellate Authority cancellation of selection of Sahaika has been set aside and she has been reinstated. The petitioner, on the other hand, who shared collective responsibility and claims that in fact the biscuits were handed over to the children after the petitioner had left the center in question, has been awarded the punishment of cancellation of her selection, which has been upheld by the Appellate Authority.

Having regard to the collective responsibility for the affairs at the center in question, Counsel for the petitioner alleges disparity in the matter of award of punishment. The disparity which has been submitted is shocking and extreme inasmuch as one has been visited with sever punishment of removal, whereas in case of Sahaika she has been reinstated, as per submission of Counsel for the petitioner. The issue, therefore, is required to be examined with regard to parity in the matter of punishment.



Counsel for the petitioner submits that the fact that cancellation of selection of Sahaika has been set aside by the Appellate Authority and she has been reinstated, is required to be taken into account and the punishment of cancellation of selection in the case of the petitioner by the Appellate Authority under order dated 30.12.2014 requires reconsideration in view of these developments.

This Court would, therefore, observe that since reconsideration is to be done by the Appellate Authority, no useful purpose would be served by keeping the instant proceeding pending. The petitioner is granted liberty to approach the Appellate Authority for reconsideration of the issue having regard to the punishment granted to Sahaika for the center in question, on the basis of same allegation. Petitioner's Counsel submits that the petitioner would appear before the Appellate Authority within four weeks so as to facilitate reconsideration of the issue having regard to the punishment granted to Sahaika.

This Court would observe that if cancellation of selection of Sahaika has been set aside, as submitted by petitioner's Counsel, the punishment which has been upheld by the Appellate Authority under order dated 17.5.2013 was required to be reconsidered. Let reconsideration be done by the Appellate



Authority in terms of this order. It is made clear that order dated 17.5.2013 issued by the Collector, Patna shall not stand in the way of consideration of punishment having regard to the order passed in favour of Sahaika. Let consideration be done in accordance with law by a reasoned and speaking order after hearing necessary parties expeditiously and without any undue delay.

The writ petition stands disposed of.

(Madhuresh Prasad, J)

SNkumar/-

AFR/NAFR	NAFR
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