

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1752 of 2017

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Manju Devi wife of Krishna Prasad Verma, Resident of Mohalla- Barhara,
P.S.- Halsi, District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Director, Integrated Child Development Services, Bihar, Patna.
3. The Divisional Commissioner, Munger Division, Munger.
4. The Deputy Director, Welfare Munger Division, Munger.
5. The District Magistrate, Lakhisarai, District- Lakhisarai.
6. The District Programme Officer, Lakhisarai, District- Lakhisarai.
7. The Child Development Project Officer, Ramgarh Chowk, Halsi, District- Lakhisarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ajit Kumar Singh
For the Respondent/s	:	Smt. Kumari Amrita -GP-3
		Mr. Rajesh Kumar, AC to GP-3

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 15-11-2019 Heard learned counsel for the parties.

2. The petitioner was working as an Anganbari Sevika in Barhara Anganbari Centre (Masjid Tola) under Imam Nagar Gram Panchayat in the District of Lakhisarai. It transpires from the materials on record that on the basis of certain allegations received against functioning of Aanganbari Centres, Vigilance Department, Government of Bihar had conducted an inquiry. The Vigilance Team appears to have submitted its report to the Principal Secretary, Vigilance Department, Government of



Bihar, recommending cancellation of engagement of the petitioner and initiation of departmental action against the officers, who were holding the post of Child Development Project Officer for different period of time. It is an admitted fact that the petitioner had not participated in the enquiry conducted by the Vigilance Department. It appears that based on the said report of the Vigilance Team, Child Development Project Officer, Ramgarh Chowk, Lakhisarai cancelled petitioner's engagement as Anganbari Sevika with immediate effect.

3. The petitioner had preferred appeal, which has been dismissed by an order dated 27.06.2016 passed by the Collector, Lakhisarai in Anganbari Appeal No. 52 of 2015-16. The order dated 28.01.2010 passed by the Child Development Project Officer and the subsequent order dated 27.06.2016 passed by the Collector, Lakhisarai are under challenge in the present writ application. It is the specific case of the petitioner that no report of the Vigilance Team was prepared in her presence nor she was given any opportunity to putforth her defence during the enquiry, which was being held by the Vigilance Department.

4. Learned counsel appearing on behalf of the



petitioner has submitted that before action was taken by the Child Development Project Officer, cancelling petitioner's engagement as Anganbari Sevika, no show cause notice was given to her nor report of the Vigilance Team was made available to her.

5. A counter affidavit has been filed on behalf of the State respondents from which it is evident that whatever action has been taken and whatever order has been passed by the appellate authority is based on the report of the Vigilance Team. There is no assertion in the counter affidavit that the report of the vigilance Team was made available to the petitioner and she was put to any notice in the light of such report of the Vigilance Team.

6. Learned counsel appearing on behalf of the petitioner has submitted that the impugned action is apparently in breach of the principles of natural justice inasmuch as the action against the petitioner has been taken on the basis of such report, which was not brought to the notice of the petitioner before the action was taken against her.

7. Learned AC to GP-3 has, on the other hand, contended that considering the seriousness of the findings recorded by the Vigilance Team immediate action was taken by



the Child Development Project Officer, cancelling the petitioner's engagement which is justified. He contends that in peculiar facts and circumstances of the present case, no interference is required by this Court.

8. I have perused the impugned orders. The report of the Vigilance Team has been brought on record by way of Annexure-A to the counter affidavit. It transpires from the report of the Vigilance Team that it was found by them that there was possibility of embezzlement of Government money to the tune of Rs. 91,622.50 for which the officers of the rank of the Child Development Project Officer could be held to be responsible and the engagement of the person holding the post of Anganbari Sevika could be cancelled. Evidently, on the basis of mere possibility of embezzlement of Government money as recorded by the vigilance Team in its report, action has been taken against the petitioner by the Child Development Project Officer, who was also held to be responsible for misappropriation of public fund and malfunctioning of the Centre.

9. In any view of the matter, I find force in the submission made on behalf of the petitioner that in the absence of any notice to the petitioner and supply of report of the Vigilance Team, which was the basis for action against her, the



impugned orders cannot be sustained, being in breach of the principles of natural justice.

10. Accordingly, the impugned order dated 27.06.2016 passed by the Collector, Lakhisarai in Anganbari Appeal No. 52 of 2015-16 is, hereby, quashed. The order dated 28.01.2010 passed by the Child Development Project Officer Ramgarh Chowk, Lakhisarai is also quashed.

11. In the facts and circumstances of the case, it is directed that if the respondents intend to take action against the petitioner, the same may be done, after giving the petitioner a reasonable opportunity of hearing, within three months from the date of receipt/production of a copy of this order.

12. It is not known as to whether in the meanwhile the said post of Anganbari Sevika has been filled up or not. This is one of the reasons why I have not directed the petitioner's reinstatement to the post after quashing of the order. The Respondents shall be at liberty to look into all such aspects of the matter.

13. This application is, accordingly, allowed.

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(Chakradhari Sharan Singh, J)

