

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.24 of 2018

In

Civil Writ Jurisdiction Case No.10537 of 2014

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Tilamini Singh, wife of Umesh Singh, resident of Village- Bargahi, P.S.
Udwant Nagar, District- Bhojpur.

... .. Appellant/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Social Welfare Department, Govt. of Bihar, Patna.
3. The Director, I.C.D.S. Directorate, Bihar, Patna.
4. The District Magistrate, Bhojpur.
5. The Deputy Director, Welfare, Patna Commissionery, Patna.
6. The District Program Officer, Ara, Bhojpur.
7. The Child Development Project Officer, Udwant Nagar, Bhojpur.
8. Mukhiya, Gram Panchayat Raj, Bargahi, Udwant Nagar, Bhojpur.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Kamlesh Prasad Yadav, Advocate
For the Respondent/s : Mr. Kaushal Kumar Jha,AAG-8

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

6 01-04-2019 The appellant was an Anganbari Worker. A surprise inspection was carried out by the District Level Inspection Team on 17th of April, 2012 and the appellant was found absent. She was given a show cause notice to which she gave a reply and after considering the same, her engagement was terminated on account of her being absent from the Anganbari Centre.

The explanation given by the appellant was that when



the inspection was being made, she had gone to a village doctor to attend to a child of a Centre, who had developed a sudden ailment. This defence of the appellant does not appear to have been supported by any documentary material or otherwise any statement of any doctor or any such material indicating the process undertaken by the appellant for getting the child treated.

It is for the first time in the writ petition that in the rejoinder affidavit, a certificate of one Dr. Subhash Chandra has been sought to be pressed into service in order to substantiate the said plea.

This document was neither placed before the concerned authority or even before the appellate authority who decided the appeal upholding the removal of the appellant. Under such circumstances, such a certificate at this stage in the writ proceedings that even through the rejoinder affidavit is not acceptable and the same cannot be taken into consideration for the purpose of verifying the correctness or otherwise of the claim or defence set up by the appellant before the original authority that did not have any occasion to verify any such material.

Accordingly, the defence taken by the appellant that she had been attending to a child regarding his medical facilities



remained unsubstantiated.

Consequently, we do not find any merit in this appeal,
which is accordingly dismissed.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

Saif/PNM

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