

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 4516 of 2020

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Baby Kumari Wife of Pawan Singh, Resident of Village- Sokhodevara, Ward No. 11, Police Station- Kawakol, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Social Welfare Department, Government of Bihar, Patna.
2. The Director, I.C.D.S., Social Welfare Department, Government of Bihar, Patna.
3. The Collector -Cum-District Magistrate, Nawada.
4. The District Program Officer, Nawada.
5. The Lady Supervisor, Kawakol, District- Nawada.
6. The Child Development Project Officer, Kawakol Block, District- Nawada.
7. The Ward Member of Ward No. 11, Sokhodevara Panchayat , Police Station- Kawakol, District- Nawada, Pin code- 805106
8. Usha Kumari, Wife of Jitendra Kumar Singh, Resident of Village- Sokhodevara Ward No. 01, Police Station- Kawakol, District- Nawada, Pin code- 805106

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rabindra Kumar Priyadarshi, Advocate
For the Respondent/s	:	Ms. Kumari Amrita (GP 3)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 08-12-2021

Heard learned counsels for respective parties.

In the instant petition, petitioner has prayed for the following reliefs:-

“(i) For quashing of part of the order contained in Memo No.-3 dated 02.01.2020 issued under the Signature of District Magistrate, Nawada wherein observation has been made with regard to selection process of Aanganwadi Sevika at Center No.-130 and canceled the selection



of this Petitioner and further directed for afresh selection.

(ii) For issuance of direction upon the respondent authorities to held the selection of the Petitioner is a valid one, treating it after full compliance of the procedure made by the state authorities.

(iii) For direction upon the authorities to hand over the charge and release the salary and other emoluments to run the center no.- 130.

(iv) For grant of relief/reliefs for which the petitioner found to be entitled in the facts and circumstances in this case.”

Petitioner was stated to have been appointed to the post of Annganwadi Sevika at Center No. 130 and her services have been terminated and she preferred an appeal. The appellate authority is stated to have confirmed the order of termination, hence the present petition.

Perusal of the order of termination, it is evident that the petitioner has not been heard in the matter before her termination and it is not disputed by the learned counsel for the State. State counsel has gone through the order of termination and it is not disputed by him.

In the light of these facts and circumstances one short ground that termination is without notice to the petitioner. Termination order is to be set aside. Accordingly, termination order



dated 02.01.2020 (Annexure-8) passed by the appellate authority, i.e., District Magistrate, Nawada is set aside reserving liberty to the concerned respondent to initiate appropriate proceedings like issuance of notice or holding inquiry against petitioner and proceed to pass appropriate order after due consideration or petitioner’s plea within a period of six months from the date of receipt of this order.

In the meanwhile, the concerned respondent is hereby directed to take back the petitioner to the post. Monetary benefits during the intervening period from the date of termination till reinstatement shall be calculated and disbursed in favour of the petitioner within a period of two months from today failing which the petitioner is entitled to interest @ 6% per annum. The interest shall be recovered from the concerned official who is liable to implement the order beyond the time limit stipulated in the present order.

With the aforesaid observations, the present writ petition stands disposed off.

(P. B. Bajanthri, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

