

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19621 of 2018

=====

Runa Devi wife of Shri Ram Shresh Sah, Resident of Village P.O. Prakhand-
Riga, P.S. Riga, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Director, I.C.D.S. Bihar, Patna.
3. The Deputy Director, I.C.D.S. Trihut, Muzaffarpur.
4. The Commissioner, Tirhut Division, Muzaffarpur.
5. The Collector, Sitamarhi.
6. The District Programme Officer, Sitamarhi.
7. The Child Development Project Officer, Riga, Sitamarhi.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Virendra Kumar
For the Respondent/s : Smt.Kumari Amrita -Gp3

=====

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

7. 22-11-2021 Learned counsel for the petitioner has prayed for the
following reliefs:

“(i) For issuance of writ in the nature or certiorari/Mandamus for quahsing of the order dated 08.07.2013 passed in service appeal No. 276/2012 by the Commissioner, Tirhur Division, Muzaffarpur and also quashing Memo No. 79/D.P. dated 30.01.2012 passed by the District Programme Officer Sitamarhi, whereby and whereunder the service of Sahaiyka from Anganbari Centre Code No. 19 Riga Gat (Nomiya Toli) namely Runa Devi has been terminated.

(ii) For issuance of appropriate writ/direction to the Respondents to reinstate the service of petitioner on the post of Anganbari Sahayika.



(iii) For any other consequential relief/reliefs for which the petitioner is found entitled during course of hearing of the petition.”

2. The petitioner-Runa Devi and one Manju Devi were working as Anganbari Sahayika and Anganbari Sevika respectively in centre code no. 19 Riga Got (Niniya Toli) Riga, Sitamarhi, after due inquiry, their services were terminated by the respondents-authority due to dereliction of duties. Both of them i.e. petitioner and Manju Devi filed an appeal before the Commissioner, Tirhut, Division Muzaffarpur, vide Service Appeal No. 276 of 2012, and the Commissioner, vide order dated 08.07.2013, did not interfere with the order of D.P.O., Sitamarhi and rejected the appeal.

3. Insofar as the case of Manju Devi is concerned, she preferred a writ before this Court, vide C.W.J.C. No. 21113 of 2013 (Annexure 4 to the writ petition), which was allowed in her favour on 17.04.2018. After disposal of the case of Manju Devi, the petitioner has filed the present writ petition.

4. One of the contention, raised on behalf of petitioner, is that the petitioner's case is identical to the case of Manju Devi and as such, the matter is required to be decided in terms of the order dated 17.04.2018 passed in C.W.J.C. No. 21113 of 2013.



5. *Per contra*, learned counsel for the respondent has submitted that after holding a detailed enquiry, the District Programme Officer, Sitamarhi, vide Memo No. 79/D.P. dated 30.01.2012, has terminated the services of petitioner as Anganwari Sahayika and Manju Devi as Anganwari Sevika. The case of petitioner is not identical to the case of Manju Devi and as such, she is not entitled to seek relief at par with the case of Manju Devi.

6. Heard learned counsels for the respective parties.

7. Undisputed facts are that Manju Devi and petitioner-Runa Devi were working as Anganbari Sewika and Anganbari Sahaiyka respectively. There were disciplinary proceedings, which were concluded in imposition of penalty of termination. Termination order was subject matter of the appeal and revision, in which, both of them suffered orders at the hands of the appellate authority and revisional authority. Manju Devi preferred C.W.J.C. No. 21113 of 2013 and it was allowed on 17.04.2018.

8. Learned counsel for the petitioner has submitted that petitioner could not approach this Court due to financial constraint. Therefore, she has approached this Court on 29.09.2018 i.e. after disposal of case of Manju Devi.



9. Having regard to the facts and circumstances of the case and the fact that the petitioner was silent from the date of disposal of review till filing of petition, accordingly she is not entitled to arrears of salary from the date of termination till the reinstatement. She is entitle to other service benefits for the intervening period.

10. Accordingly, considering the case of Manju Devi and as per Annexures 1 to 4, the concerned respondent is, hereby, directed to take back the petitioner on duty within a period of two months from the date of receipt/production of copy of this order.

11. Accordingly, the instant petition stands disposed of.

(P. B. Bajanthri, J.)

Gaurav Kumar

U			
---	--	--	--

