

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9105 of 2020

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Geeta Devi Wife of Sri Raj Kishore Singh, Resident of Village - Khusiyal Chapar, Landmark - Local Post Kusaundhi, P.S. Mirganj, District - Gopalganj. Working as a Aanganbadi Sevika at Aanganbadi Centre Khusiyal Chapar, Centre No. 28, District - Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar. Bihar.
2. The Additional Chief Secretary, Social Welfare Department, Government of Bihar, Patna.
3. The Director, Integrated Child Development Scheme (I.C.D.S.), Social Welfare Department, Government of Bihar, Patna.
4. The Divisional Commissioner, Saran Division at Chapra.
5. The District Magistrate, Gopalganj.
6. The District Programme Officer, I.C.D.S., Gopalganj.
7. The Child Development Project Officer, Hathua, District Gopalganj.
8. The Lady Supervisor-cum-Member Secretary, Child Development Project, Hathua, Gopalganj.
9. Smt. Rani Devi, the Chairman of Aanganbadi Development Committee, Aanganbadi Centre Khusiyal Chapar, Centre No. 28, Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra, Advocate
For the Respondent/s : GP 3

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

Date : 03-01-2022

Heard learned counsel for the parties.

2. State counsel accepts notice for Respondent Nos. 1 to

8.

3. Service of notice to Respondent no. 9 is dispensed

since no adverse order is passed.



4. In the instant petition, petitioner has prayed for the following relief/reliefs:

“I. For issuance of an appropriate writ in the nature of certiorari for quashing the memo no. 921 dated 15.05.2020 issued under the signature of the District Programme Officer (Establishment), Gopalganj, by which, the selection of the petitioner Geeta Devi as Aanganbari Sevika at Centre No. 28, Khusiyal Chapar Ward No. 4, Gram Panchayat Kusaundhi, Block – Hathua, District – Gopalganj, has been cancelled on the so called enquiry report without appreciating the facts and circumstances as well as without proper appreciation of the reply filed by the petitioner and the decision of the District Programme Officer, Gopalganj is arbitrary and excessive one.

II. For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to reinstate the petitioner on the post of Aanganbadi Sevika at Centre No. 28, Khusiyal Chapar, Ward No. 4, Gram Panchayat Kusaundhi, Block – Hathua, District- Gopalganj, as she has been selected after following the guidelines for selection of Aanganbadi Sevika and merely on the basis of false complain of Smt. Rani Devi, her selection cannot be cancelled.

III. For issuance of an appropriate writ in the nature of mandamus as alternative prayer of the petitioner for directing the respondent the Divisional Commissioner, Sara Division at Chapra to dispose of the appeal of the petitioner sent through speed post dated 27.05.2020 by reasoned and speaking order by ventilating the genuine grievance of the petitioner by reinstating her on the post of Aanganbari Sevika at Centre No. 28, Khusiyal Chapar, Ward No. 4, Gram Panchayat Kusaundhi, Block – Hathua, District – Gopalganj.

IV. For issuance of an appropriate writ in the nature of mandamus for commanding directing the respondent authorities concerned to reinstate the petitioner on the post of Aanganwadi Sevika at Centre No. 28, Khusiyal Chapar, Ward No. 4, Gram Panchayat Kusaundhi, Block – Hathua, District – Gopalganj, as her service cannot be terminated on the basis of false and frivolous complaint of Rani Devi as also on the basis of Enquiry report, as the petitioner has denied all the allegation in her show-cause reply, however, the same has not been considered by the respondent authorities concerned.

V. For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner



will be found entitled in the facts and circumstances of the case.”

5. Short question for consideration is relating to disposal of appeal against the termination order dated 15.05.2020., which is pending consideration before the 4th Respondent-The Divisional Commissioner, Saran Division at Chapra. Undisputed facts are that the petitioner’s services terminated on 15.05.2020 and petitioner has filed statutory appeal before the 4th Respondent and it is pending consideration. Therefore, 4th Respondent is hereby directed to decide petitioner’s appeal within a period of three months from the date of receipt of this order.

6. With the above observation, writ petition is disposed off.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	07.01.2022
Transmission Date	

