

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10832 of 2020

=====

Sindhu Devi @ Sindhu Kumari, Wife of Late Aman Sah, resident of Village -
Kaleyan Katea, Police Station- Janta Bazar, District - Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Social Welfare Department, Bihar, Patna.
2. The District Programme Officer, Saran at Chapra.
3. The Block Development Officer, Lahladpur Block District Saran at Chapra.
4. The Child Development Project Officer Lahladpur Block, District - Saran at Chapra.
5. Rani Devi, Wife of Tarkeshwar Sah, R/o Village - Katea, P.S. Janta Bazar, District Saran at Chapra.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Pramod Ban Bihari Singh
For the State	:	Mr. Rajesh Kumar, AC to GP-3
For the Respondent/s	:	Mr. Tej Pratap Singh

=====

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

Date : 29-03-2022

Heard learned counsels for the parties.

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

“(i) For issuance of a writ in the nature of Certiorari or any other appropriate writ for quashing the order dated 12.06.2020 vide letter No. 231 passed by the Respondent No. 4 wherein and whereby the appointment of the petitioner to the post of Anganbari Sahayika of Anganbari Centre No. 93, Ward No. 7 under Katea Panchayat, Lahladpur Block, District- Saran at Chapra has been terminated/ cancelled.

(ii) For issuance of any other writ/writs, order/orders, direction/directions which your Lordships may deem fit and proper in the facts and circumstances of the case.”



3. On 12.01.2022 following order was passed:

“The matter is heard via video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

State counsel accepts notice for Respondent Nos. 1 to 3.

Issue notice to Respondent No.

4.

The 3rd Respondent is hereby directed to file an affidavit stating that as to why petitioner's services have been terminated. Such affidavit be filed before the next date of hearing, failing which, 3rd Respondent is hereby directed to pay cost of Rs. 5,000/- in the Bihar State Legal Services Authority.

Re-list this case on 09.02.2022.

Copy of this order shall be furnished to the Respondent counsel, Kumari Amrita, GP3.”

4. Today learned counsel for Respondent Nos. 2 to 4 submitted that an affidavit has been filed. Petitioner has already invoked the remedy of appeal before the appellate authority. In respect of similar issue, it is further submitted that petitioner has mislead the selecting and appointing authority to the post of Anganbari Sahayika in Centre No. 93 Ward No. 7, Katea Panchayat, Lahladpur Block, District- Saran at Chapra. Such a material information has been taken by the concerned official respondent behind the back of the petitioner. Petitioner was not provided the alleged fake/false documents stated to have been produced by the petitioner. Before cancellation or termination of the petitioner's services from the post of Anganbari Sahayika,



petitioner was not provided opportunity of hearing like, issuance of show cause notice and adverse materials so as to enable her to furnish detailed explanation. If the petitioner is disputing the version of the officials respondents in that event domestic enquiry was required to be held. The aforesaid procedure has not been complied. In other words, *prima facie* there is violation of principle of natural justice before passing impugned order. Accordingly, petitioner has made out a case. The order dated 12.06.2020 (Annexure-2) is set aside.

5. The concerned official respondent is hereby directed to proceed in accordance with law after due opportunity of hearing to the petitioner and 4th Respondent- Rani Devi. Aforesaid procedure shall be completed within a period of four months from the date of receipt of this order. In the meanwhile, petitioner shall be taken back to duty forthwith and extend all monetary benefits for the intervening period from the date of termination/cancellation of service till reinstatement into service.

6. Accordingly, the present petition stands allowed.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	01.04.2022
Transmission Date	

