

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.165 of 2021

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Gulshan Begam Sahayika, Anganbari Center No. 210, Danti Uttar Tola aged about- 36 years, Gender- Female, wife of Md. Sakeel @ Sakil @ Md. Sakil Anwar, Resident of Village- Danti, P.O., P.S. and Block- Kochadhaman, District- Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary Social Welfare Department, Government of Bihar, Patna.
3. The Director, ICDS, Government of Bihar, Patna.
4. The District Magistrate, Kishanganj.
5. The District Programme Officer, ICDS Kishanganj.
6. The Child Development Project Officer, Kochad- haman District- Kishanganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. D.K. Sinha, Sr. Advocate Mr. A.K. Ghosh, Advocate Mr. Alexander Ashok, Advocate
For the Respondent/s	:	Mr.Md.Raisul Haque(Sc10)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT
Date : 03-01-2022

Heard the learned counsels for the parties.

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

“i. For setting aside the order dated 21.01.2020 passed by the District Magistrate, Kishanganj (Respondent No. 4) in Anganbari Appeal Case No. 195/2018-19 where under and whereby order dated 24.12.2018 passed by the District Programme Officer, ICDS Kishanganj passed in Record No. 08/2018 by which selection of petitioner as Sahayika was cancelled, has been affirmed.

ii. For setting aside order dated



24.12.18 passed by District Programme Officer ICDS, Kishanganj passed in record No. 08/18 by which selection of petitioner as 'Sahayika' has been cancelled.

iii. For setting aside order passed by the CDPO, Kochadhaman (Kishanganj) contained in memo No. 151 dated 04.06.18 by which selection of petitioner on the post of Anganbari Sahayika has been cancelled.

iv. For a direction upon the respondents to reinstate the petitioner and restore her service on the post of anganbari Sahayika of center no. 210, Danti Uttar Tola, Kochadhaman Block of Kishanganj district with effect from the date she has been removed from the post along with entire consequential monetary and service benefits.

v. For any other relief/reliefs, direction/directions, order/orders as your lordships may deem fit and proper in the fact and circumstances of the present case.”

3. Pursuant to the order dated 10.12.2021, the District Programme Officer and CDPO have filed affidavit. In fact, when there is specific direction to the District Magistrate, Kishanganj (Respondent No. 4) to file affidavit. In all fairness, he should have filed the affidavit.

4. Order of termination dated 04.06.2018 was passed by the CDPO and the appeal was decided by the District Programme Officer on 24.12.2018 respectively. Firstly, there is no notice to the petitioner and that apart, learned counsel for the



respondent, on instruction, submitted that CDPO is not the authority to terminate the service of the petitioner at the relevant point of time.

5. In the light of these facts and circumstances, order of termination dated 04.06.2018, appellate authority's order dated 24.12.2018 and further the order of District Magistrate dated 21.01.2020 are set aside on the ground of competency as well as no notice. Accordingly, the petitioner shall be taken back to duty within a month and extending all monetary benefits. If the authority feels that still action is required to be taken against the petitioner, the same shall be taken by the competent authority in accordance with law. The above exercise shall be completed within a period of three months, if it is warranted.

6. With the above observations, the instant petition stands disposed of.

(P. B. Bajanthri, J)

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CAV DATE	
Uploading Date	
Transmission Date	

