

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.592 of 2021

=====

Anupama Kumari Wife of Ajait Kumar Singh resident of village and P.O. Almori, P.S. Mufassil, District Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Government of Bihar, Old Secretariat, Patna.
2. The Principal Secretary, Social Welfare Department, Government of Bihar, Old Secretariat, Patna.
3. The Director, Integrated Child Development Services, Social Welfare Department, government of Bihar, Old Secretariat, Patna.
4. The District Magistrate, Siwan.
5. The District Program Officer, Siwan.
6. The Child Development Project Officer, Block Panchrukhi, Siwan.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Avinash Shekhar, Advocate
For the Respondent/s : Ms. Kumari Amrita, GP 3

=====

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

ORAL JUDGMENT

Date : 07-04-2022

Heard learned counsel for the parties.

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

“i) To issue an appropriate writ, order or direction in the nature of mandamus commanding the Respondent Authorities to accept the joining of the petitioner and to allow the petitioner to work on her post of Anganbadi Supervisor in the Block Panchrukhi, District Siwan.

ii) This Hon’ble Court may further adjudicate and hold that the action of the



Respondent Authorities in not accepting the joining and allowing the petitioner to work as Anganwadi Supervisor, is an act of mala fide and complete arbitrary exercise of authority/power.

iii) This Hon'ble Court may further adjudicate and hold that Respondent Authorities cannot keep the petitioner running from pillar to post.

iv) This Hon'ble Court may award the cost of litigation and suitable compensation to the Petitioner for the loss and damages caused on account of the illegal and arbitrary actions of the Respondent Authorities.

v) To grant any other relief or reliefs which the Petitioner may be found entitled to in the facts and circumstances of the case.”

3. Sixth respondent – Child Development Project Officer, Block Panchrukhi, Siwan is present in the Court. She has instructed the State counsel in furnishing copy of the order of termination issued by the District Magistrate, Siwan dated 02.04.2022, the same is taken note of. Thus, it is evident that as on 02.04.2022, petitioner's services were not terminated in order to overcome the order of this Court dated 13.01.2022, the Sixth respondent seems to have apprise the District Magistrate, Siwan in passing termination order, therefore, such action is deprecated.

4. Perusal of the order of termination. There is no reference to issuance of show cause notice read with petitioner's



explanation which is stated to have submitted, therefore, it is clear case of non application of mind by the District Magistrate in terminating the petitioner’s services. Therefore, order of termination dated 02.04.2022 stands set aside.

5. Petitioner shall be taken back to duty forthwith and shall be extended all monetary benefits. Reserving liberty to the concerned authorities to initiate enquiry if there are serious allegations against the petitioner and complete the enquiry proceedings within a period of six months from the date of receipt of this order.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	12.04.2022
Transmission Date	

