

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2019 of 2021

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Manju Devi W/o Rakesh Kumar resident of Ward No. 3 Village - Hardi, P.s.
Dist. - Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Collector, Supaul.
3. The Civil Surgeon cum Chief Medical Officer, Supaul cum Public Authority under the Bihar Right to Public Grievance Redressal Act 2015.
4. The Additional Collector (Public Grievance Redressal), Supaul cum District Public Grievance Redressal Officer, Supaul.
5. The In-charge Medical Officer Block Sadar, Supaul.
6. The Sub Divisional Officer, Supaul.
7. The Mukhiya Gram Panchayat Raj Hardi- West, Supaul.
8. Punam Devi wife of Sanjay Ram resident of ward no. -3 village - Vishanpur Panchayat - Hardi West, P.S. and Dist.- Supaul.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kumar Goutam, Advocate
For the Respondent/s : Mr. Pankaj Kumar, SC 12

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

Date : 22-02-2022

Heard learned counsel for the parties.

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

“a. For quashing the memo no. 580 dated 27.04.2020 issued by In-charge Medical Officer, Sadar – Block, Supaul, (Respondent No. 5) whereby the petitioner has been directed to stop working as Asha Worker in view of letter no. 365 dated 24-02-2020 issued by Civil Surgeon cum Chief Medical Officer, Supaul.

b. For quashing the letter no. 200 dated 26-02-2020 whereby the respondent no. 5 the In-charge Medical Officer, Sadar-Block, Supaul, has directed to initiate a fresh “Aam-Sabha” (general body meeting) for selection of new



Asha Worker after cancelling the selection of petitioner as Asha-worker.

c. For the quashing of entire consequential orders/direction/proceedings initiated on the basis of Miscellaneous case No. 406110115031901354 filed by one Punam Devi against the petitioner which is a beyond jurisdictional proceeding as per section 2. (a) of Bihar Right to Public Grievance Redressal Act itself.

d. For the other relief or reliefs which the petitioner entitled thereunder.”

3. Petitioner was stated to have been selected and appointed to the post of Asha Worker on 06.07.2018. Thereafter, official respondents were stated to have noticed alleged irregularities had happened in the process of selection and appointment to the post of Asha Worker. Taking into such issue the In-charge Medical Officer, Block – Sadar, Supaul - respondent No. 5 proceeded to terminate the services of the petitioner on 27.04.2020 *vide* Memo No. 580 read with letter No. 200 dated 26.02.2020 of the 5th respondent.

4. The learned counsel for the petitioner submitted that if certain irregularities have been committed in the process of selection and appointment to the post of Asha Worker, in that event, necessary action should be taken against such of those officials who were involved in the process of selection.

5. It is submitted that there is no error in the process of selection and appointment to the post of AshaWorker, in particularly of the petitioner. It is further contended that the In-charge Medical Officer, Block–Sadar, Supaul has terminated the services of the petitioner, on the ground of competency the impugned orders are



liable to be set aside and it is further submitted that no notice, no enquiry has been held in order to appreciate that petitioner's selection and appointment to the post of Asha Worker is not in accordance with law.

6. Learned counsel for the State resisted the aforesaid contentions of the petitioner and submitted that there is no infirmity in the order of termination dated 27.04.2020 as there were certain irregularities stated to have been committed by the selecting authority during the process of selection and appointment to the post Asha Worker.

7. Heard learned counsel for the respective parties.

8. The alleged allegations is that there were certain irregularities in the process of selection and appointment to the post of Asha Worker thus, petitioner's services have been terminated.

9. Perusal of the record, it is evident that the In-charge Medical Officer, Block – Sadar, Supaul - respondent no. 5 cannot exercise the power of termination of a Asha Worker. On the sole ground the impugned orders liable to be set aside.

10. Further it is noticed that once a person is appointed before terminating his or her service, he or she is entitled to participate in the process of domestic enquiry and notice and other formalities. The aforesaid procedures have not been undertaken by the competent authority. Even on this ground the impugned orders,



letters, memo are liable to be set aside. Merely stating that there were certain irregularities in the process of selection and appointment to the post of Asha Worker and such a decision has been taken by the official respondents behind the back of the petitioner, therefore, the petitioner has made out a *prima facie* case so as to interfere with the impugned order, Memo No. 580 and letter No. 200.

11. Accordingly, they are set aside.

12. Concerned respondent is hereby directed to take back the petitioner to the post of Asha Worker forthwith and extend all monetary benefits during the intervening period from the date of termination till reinstatement within a period of one month from the date of receipt of this order. The official respondents are at liberty to initiate appropriate proceedings if really certain irregularities have been committed by the selecting and appointing authority for the post of Asha Worker.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	02.03.2022
Transmission Date	

