

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17463 of 2014

Chanda Devi Wife of Suresh Paswan, resident of village- Purvi Saraia, Post
Office Police Station- Paliganj, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Deputy Director, Welfare, Patna Division, Patna
3. The District Programme Officer, Patna
4. The Child Development Project Officer, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Neeraj Kumar Alias Sanidh, Advocate
For the Respondent/s	:	Mr. Prashant Pratap, GP-2
		Mr. Asit Kumar Jha, AC to GP-2

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 27-07-2023

1. The present writ petition has been filed
seeking the following reliefs:-

“1.(i) For quashing the order dated 26.03.2014 passed by the District Programme Officer, Patna in Case No.325/2013, whereby the appointment of the petitioner on the post of Sevika in the Anganwari Centre, Purvi Saraia (Code No.77) P.O.+ Police Station-Paliganj, District-Patna was cancelled on the ground of irregularities at the centre and its closure on the date of sudden inspection on 18.07.2013 by the Lady Supervisor, Child Development Project Office, Paliganj, Patna.
(ii) For quashing the order dated 09.07.2014 passed by the Deputy Director, Welfare, Patna Division,



Patna in Anganwari Appeal Case No.72/2014, whereby the appeal preferred by the petitioner against the said order dated 26.03.2014 was rejected."

2. The learned counsel for the petitioner has pointed out towards the illegality in the appellate order dated 09.07.2014, passed by the Deputy Director, Welfare, Patna Division, Patna, wherein the reason stated for inflicting the punishment of dismissal of the petitioner from her services is regarding the irregularities found during the course of the inspection conducted on 10.06.2013 and 14.12.2013 at the Centre in question, wherein the petitioner was found to be not diligent in discharging her duties, inasmuch as, the actual fact is that the inspection was actually held on 18.07.2013, and the impugned order of punishment dated 26.03.2014 also takes into consideration the charges emanating out of the inspection held on 18.07.2013, at the centre in question. Thus, the learned counsel for the petitioner has submitted that the appellate authority has proceeded on a wrong premise and



has not considered the fact that the charges in the present case arise out of inspection held on 18.07.2023, a day on which the mother of the petitioner had died resulting in her having to rush for the last rites of her mother.

3. The learned counsel appearing for the State has not denied the fact that the consideration by the appellate authority is misplaced inasmuch as though it has been considered that the inspection was held on 18.07.2013 but while arriving at a finding, the appellate authority has erroneously taken into account the inspection held on 10.06.2013 and 14.12.2013.

4. Having regard to the facts and circumstances of the case and considering the fact that though the charges were levelled against the petitioner regarding irregularities having been found during the inspection held on 18.07.2013 but the appellate authority, in the impugned order dated 09.07.2014, has erroneously considered the so called inspections held on 10.06.2013 and 14.12.2013, apparently the impugned order dated



09.07.2014 suffers from an error of record, resulting in non-appreciation of the case of the petitioner, hence the appellate order dated 09.07.2014 is set aside and the matter is remanded back to the Deputy Director, Welfare, Patna Division, Patna for reconsideration of the appeal filed by the petitioner bearing Anganwari Appeal Case No. 72 of 2014.

5. It is needless to state that the petitioner shall appear before the Deputy Director, Welfare, Patna Division, Patna along with a copy of this order, within a period of six weeks from today, whereupon the Deputy Director, Welfare, Patna Division, Patna shall grant an opportunity of hearing to the petitioner and shall then pass a reasoned and a speaking order, in accordance with law, forthwith.

6. The writ petition stands allowed.

(Mohit Kumar Shah, J)

S.Sb/-

AFR/NAFR	AFR
CAV DATE	N/A
Uploading Date	21.08.2023
Transmission Date	N/A

