

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18658 of 2014

Chinta Devi W/o Kailash Prasad R/o Village - Machakan, P.S. - Husainganj,
District - Siwan.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Assistant Director, I.C.D.S., Bihar Patna.
3. The Commissioner Saran.
4. The District Magistrate Siwan.
5. The District Program Officer, District Siwan.
6. The Child Development Officer, Hussainganj, District- Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Vijay Kumar
		Mr. Rajani Kumari
For the Respondent/s	:	Mr.SC-8- Kumar Alok

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 17-01-2023 Heard counsel for the parties.

This writ petition has been filed by the petitioner
for granting following reliefs :-

- “(i) for setting aside the orders dated 19.06.2013 and 07.06.2014, passed by the District Programme Officer Siwan and Deputy Director Welfare Saran whereby and whereunder service of petitioner has been terminated from the post of *Aanganwari Sevika* without any show cause.
- (ii) for issuance of any other appropriate writ/writs, order/orders, direction/directions, for which petitioner may be deemed entitled under the fact and circumstance of the case.”

Learned counsel for the petitioner makes a short



submission to the effect that without affording any opportunity of hearing or issuance of show-cause petitioner has been terminated from the post of *Anganwari Sevika* which is against the principal of natural justice.

Counsel for the State in reply submits that petitioner was appointed as *Aanganwari Sevika* at Aanganwari Centre No. 60 situated at village-Machakna, PS-Hussainganj, District-Siwan. He further submits that a complaint dated 08.11.2012 was received against petitioner by the CDPO, Hussainganj, Siwan with respect to the allegation of financial irregularities with respect to functioning of the said *Aanganwari Sevika*. The aforesaid matter was inquired by the Statistics Assistant as well as Lady Supervisor who submitted their report. On receipt of the enquiry report, the CDPO, Hussainganj, Siwan vide letter no. 14 dated 16.01.2013 requested the DPO, Siwan for further action against the petitioner. Thereafter, the DPO, Siwan issued the show-cause to the petitioner who failed to submit her explanation. Accordingly, the DPO Siwan vide order bearing Memo No. 04 dated 19.06.2013 (Annexure-1 to the writ petition) terminated the service of petitioner from the post of *Aanganwari Sevika* which was upheld by the Deputy Director, Welfare, Saran Division, Chapra vide order dated 07.06.2014 as



contained in Annexure-3.

From bare perusal of impugned order, it is apparent that order of termination has been passed without giving opportunity of hearing to the petitioner or issuance of show-cause to the petitioner.

Having considered the rival submissions made on behalf of the parties and the materials available on record, the order dated 19.06.2013 and 07.06.2014, passed by the District Program Officer, siwan and Deputy Director Welfare, Saran, are hereby set aside and quashed.

The matter is remitted to the competent authority to issue fresh show-cause notice to the petitioner and after considering the reply of the show-cause, pass a reasoned and speaking order within a period of three months from the date of receipt/production of a copy of this order.

With the aforesaid observation and direction, this writ application stands disposed of.

(Prabhat Kumar Singh, J)

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