

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9658 of 2023

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Rekha Kumari W/o Ashok Kumar, resident of Village-Thahar, P.O.-Arout,
P.s.-Rosera, Distt.-Samastipur, PIN-848210 presently working as Mahila
Paryavekshika, Child Development Project Hasanpur, Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Deptt. of Social Welfare,
Govt. of Bihar, Patna.
2. The Director, Integrated Child Development Services (ICDS), Bihar, Patna.
3. The Divisional Commissioner, Darbhanga.
4. The District Officer, Samastipur.
5. The District Program Officer, Integrated Child Development Services
(ICDS), Samastipur.
6. The Child Development Project Officer, Hasanpur Block, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shree Ganesh
For the Respondent/s : Mr.Prashant Pratap (GP-2)

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**CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA
CHAKRAVARTHY**

ORAL ORDER

3 05-12-2023 This writ application is filed for issuance of appropriate direction to set aside the order passed by the District Officer, Samstipur on 18.03.2023 by which the petitioner's contract to work as Mahila Paryavekshika, Child Development Project, Hasanpur has been terminated.

2. The brief facts of the writ application are that petitioner was appointed under the Anganwari Paryavekshika Chayan Margdarshika 2010 scheme and she is efficient worker who got many appreciation letters for her commendable work.



On 31.05.2018 the Appointment Committee in which the petitioner was Secretary conducted the proceedings for the appointment of Anganwari Sevika and Sahayika in Ward no. 3 and has appointed one Anganwari Sahayika. Further, on 16.10.2021, a complaint was filed against the petitioner before respondent no. 6/CDPO, Hasanpur contending that the Anganwari Sahayika working in Ward no. 3 was not the resident of Ward no. 3 and she was resident of Ward no. 2. On 26.04.2022, respondent no. 6/CDPO, Hasanpur informed about this complaint to respondent no. 5/DPO(ICDS) Samastipur. An explanation was called for by respondent no. 6/CDPO, Hasanpur to the petitioner vide letter dated 08.12.2022. On 12.12.2022, the petitioner gave a detailed explanation before respondent no. 6 narrating all the facts that single applicant has applied for the post of Anganwari Sahayika from Ward no. 3. Petitioner was one of the member of Appointment Committee. Further, on 27.12.2022, respondent no. 6/CDPO, Hasanpur has given her opinion that she can be given hard warning or one month honorarium amount may be deducted. On 16.01.2023 respondent no. 4/District Officer, Samastipur has called for the explanation from the petitioner for which she gave a detailed explanation 23.01.2023. Without considering the explanation,



respondent no. 4 terminated the petitioner from service. Petitioner being aggrieved preferred an appeal bearing Second Appeal no. 06 of 2023 dated 27.03.2023 before the respondent no. 3/Divisional Commissioner, Darbhanga which is still pending.

3. Specific contention of the learned counsel for petitioner is that as the appeal is pending since long time, the petitioner was constrained to file the present writ application. Therefore, he seeks direction and indulgence of this court to direct the concerned authority to cancel the termination order.

4. On the other hand, learned counsel representing the State contended that the appeal is pending before the Divisional Commissioner, Darbhanga and without waiting for the result of the said appeal, the present writ application is not maintainable.

5. Considering the rival submission of the parties and the material available on the record, this court is of the considered view that the petitioner has already availed alternative remedy by filing appeal bearing Second Appeal No. 06 of 2023 before respondent no. 3/Divisional Commissioner, Darbhanga and as the appeal is still pending, this Court directs respondent no. 3/Divisional Commissioner, Darbhanga to dispose of the said appeal within a period of four weeks from



the date of receipt/production of a copy of this order.

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

(G. Anupama Chakravarthy, J)

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