

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21012 of 2011

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Prema Devi @ Prema Kumari W/O Ajay Kumar Jaiswal D/O Sri
Brahmeshwar Pd. Jaiswal R/O Vill. Fulwaria Ii, P.O. Telari, P.S. Chenari,
Distt. Rohtas At Sasaram.

... .. Petitioner

Versus

1. The State of Bihar through its Secretary, Social Welfare Department, Bihar, Patna.
2. District Magistrate, Rohtas At Sasaram.
3. Child Development Project Officer, Chenari, Distt. Rohtas.
4. Director, Social Welfare Department, Government Of Bihar, Patna.
5. Mukhiya Grampanchayat Telari, Prakhand Chenari, Distt. Rohtas At Sasaram.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Pancham Lal Jaiswal, Advocate

For the Respondent/s : Mr. Bijoy Kumar Sinha, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 16-02-2023 Heard learned counsel for the petitioner and learned
AC to AG-5 for the State.

Petitioner, in the present case, seeking the following
relief:

“(i) To quash the order letter no. 30 dtd. 12.2.07 passed by D.M. Rohtas (Sasaram) and C.D.P.O., Chenari, Rohtas Memo No. 29 dtd.12.2.2007 sent by C.D.P.O. & letter No. 128 dtd. 06.02.2007 as Annexure 2, 3 & 4 respectively by which the petitioner has illegally been dismissed from her post of Anganbari Sevika & ordered for recovery of earned payment & lodging F.I.R. against her.

(ii) To re-instate the petitioner at the earlier post of her Anganbari Sevika of Anganbari Kendra No. 2 at village Fulwaria-II Prakhand-Chenari, Distt. Rohtas.



(iii) To make payment of all the dues salary since the date of her dismissal from the post of Anganbari Sevika of Anganbari Kenda No. 2 of vill.- Fulwaria-II Prakhand-Chenari, Distt. Rohtas with interest till the payment.

(iv) To other relief or relieves for which the petitioner be found entitled.”

Learned counsel for the petitioner submits that the petitioner has been dismissed from her post of Anganbari Sevika after 20 years. It is further submitted that the order of dismissal has been passed without initiating any proceeding as per record. It is submitted that the petitioner has got equivalent Matric pass certificate and school leaving certificate in her name and she was appointed on the post of Anganbari Sevika on the basis of those certificates. Learned counsel has relied upon a judgment of this Court in the case of **Ramayan Choudhary vs The State of Bihar and Ors** reported in **2011 (2) PLJR 259**.

On the other hand, learned counsel for the state submits that the petitioner had obtained her engagement as Anganbari Sevika by producing a matriculation certificate of the Bihar School Examination Board (in short ‘Board’). The said certificate was subject matter of verification from the Board. In course of verification, the Board has communicated that the said certificate was forged as the given roll number belongs to some



other student. It is further submitted that in the entire writ application, the petitioner, despite knowing the fact that she has been dismissed because her matriculation certificate was found forged, has not at all discussed about the said certificate and no denial has been submitted in the writ application. There is no averment that the order of dismissal was passed in violation of principles of natural justice. It is further submitted that Anganbari Sevika is not holding a civil post, therefore, there is no concept of holding a full fledged disciplinary proceeding. It is further submitted that in the nature of the present case where the writ application has been filed after 4 years of the dismissal and now another 12 years have gone, the writ application has lost its efficacy.

Having heard learned counsel for the petitioner and State, this court finds that the engagement of the petitioner as Anganbari Sevika has been terminated after it was found that her matriculation certificate was forged. In the writ application though she has claimed that her appointment was made on the basis of some other certificates, it is not her statement that she had not submitted the matriculation certificate which was subject matter of verification. There is no specific averment in the writ application that prior to passing of the impugned order



no opportunity of hearing was made to the petitioner. It is also true that an Anganbari Sevika is not holding a civil post, hence a full fledged disciplinary proceeding is not required. All that is required is a compliance with the principles of natural justice.

This Court further finds substance in the submission of the learned counsel for the State that writ application has been filed after more than 4½ years from the date of termination and now another 12 years have gone. This Court has also been informed that though there was a direction to lodge an FIR against the petitioner but no FIR had been lodged.

In the given circumstances, this writ application cannot succeed. It is dismissed accordingly.

(Rajeev Ranjan Prasad, J)

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