

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.104 of 2023

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Sushma Kumari @ Sushma Devi, aged about 43 years, Female, W/o Rakesh Kumar Gupta, Resident of Village- Jai Rampur, P.O. Teus, P.S. Barbigha, District Sheikhpura.

... .. Petitioner

Versus

1. The State of Bihar
2. The Secretary, Social Welfare Department, Government of Bihar, Patna.
3. The Divisional Commissioner, Munger.
4. The District Magistrate, Sheikhpura.
5. The District Programme Officer, Sheikhpura.
6. The Secretary, Gram Panchayat Teus, P.S. Barbigha, District Sheikhpura.
7. The Mukhiya, Gram Panchayat, Teus, P.S. Barbigha, District Sheikhpura.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Pankaj Kumar, Advocate
For the Respondent/s : Ms. Kumari Amrita, GP-3

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 21-02-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

This writ application has been filed for the following
reliefs:-

“(i) For issuance of an appropriate writ in the nature of certiorari for quashing the order dated 27.08.2022 passed Aganwari Service Appeal No. 59/2021 named and styled as Sushma Kumari vs. The D.P.O. Sheikhpura passed by respondent Commissioner whereby and whereunder respondent commissioner has been pleased to dismiss the appeal filed by petitioner.

(ii) Further for issuance of any appropriate writ in the nature of certiorari for quashing the



order dated 19.02.2021 by respondent D.P.O. whereby and whereunder respondent District Programme Officer has been pleased to terminate the petitioner from the post of Anganwari Sevika without applying any judicial mind.

(iii) Further for issuance of any appropriate writ in the nature of mandamus commanding and directing the respondent authorities to reinstate the petitioner Anganwari Sevika in Anganwari Centre No. 07, Ward No. 14 Jairampur under Teus Panchayat in Barbiga block, District Sheikhpura and further to pay the current as well as arrears of remuneration including entire consequential benefits.

(iv) Further for issuance of any other writ/ writs order / orders direction/ directions for which petitioner shall be found entitled under the facts and circumstances as stated herein below for equitable justice.”

In the writ application, the petitioner submits that she had unblemished service tenure of fifteen years but only on the basis of a viral video on social media on 16.02.2021 a show cause was asked by the respondent District Programme Officer, Sheikhpura vide it's letter no. 266 dated 17.02.2021 which was duly replied by her vide Annexure '3' to the writ application but the District Programme Officer has been pleased to pass the impugned order whereby and whereunder the petitioner has



been removed from the post of Anganbari Sevika.

It is submitted that the removal of the petitioner has been done without verification of the truth of the viral video. It is also stated by way of submission that the appellate authority has not at all considered the submissions of the petitioner. He has simply endorsed the order of the District Programme Officer.

On the other hand, learned counsel for the State points out from the copy of the reply to the show cause submitted by the petitioner (Annexure '3' to the writ application) that in her reply she has taken a plea to have asked Kumar Brajesh who had come to her to provide her some sweets. Learned counsel submits that the viral video clearly shows that in lieu of issuing a death certificate of the father of said Kumar Brajesh the petitioner was demanding a sum of Rs. 500/-.

Learned counsel submits that in her reply she admits to the extent that she was demanding sweets which is against common sense that someone will demand sweets for a death certificate.

It is further submitted that in such circumstance if the engagement of the petitioner, who does not hold a civil post, has been dispensed with after giving her opportunity of hearing, no



fault may be found with the impugned orders.

This Court has considered the submissions of the parties and perused the records. The District Programme Officer has passed a reasoned order. Before passing the order appropriate opportunity of hearing was given to the petitioner. The District Programme Officer, Sheikhpura having been satisfied that the petitioner was involved in misuse of her position as Anganbari Sevika and has been indulging in realizing money unlawfully which is against the conduct of a public servant dispensed with her engagement. The appellate authority has also given opportunity of hearing to the petitioner but he did not find any fault with the order of the District Programme Officer, Sheikhpura.

After perusal of the impugned orders, this Court finds no reason to interfere with those orders in which there are concurrent findings against the petitioner. The principles of natural justice has also been duly complied with.

This Writ Application is, therefore, dismissed.

(Rajeev Ranjan Prasad, J)

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