

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1605 of 2019

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Rita Devi Wife of Sri Bhagwan Ram Resident of Village- Sarenja, P.S.
Rajpur, Distt. Buxar

... .. Petitioner/s

Versus

1. The State Of Bihar through District Magistrate, Buxar
2. District Programme Officer, I.C.D.S. Buxar, District- Buxar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Bachan Jee Ojha, Advocate
For the Respondent/s : Mr.Sunil Kumar Mandal (SC3)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 26-02-2024

Heard learned counsel for the petitioner and
learned counsel for the State.

2. The present writ petition has been filed for quashing the order dated 24.08.2018 passed in Anganbari Appeal No. 52/2018 passed by the learned District Magistrate, Buxar by which the Appellate Court confirmed the order dated 12.06.2018 passed in Complaint Case No. 23/2017 passed by the District Programme Officer, I.C.D.S., Buxar whereby the petitioner has been removed from the post of Anganbari Sevika.

3. Learned counsel for the petitioner submits that the petitioner is a poor lady and has been working on the post of Anganwadi Sevika since 1990 and during the aforesaid period, there is not a single complaint against her. It has been further



submitted that the appellate order has been passed in a gross violation of natural justice due to reason that the District Magistrate passed the order after calling for a report from the District Programme Officer, Buxar who passed the original order against the petitioner and the report has not been called for from any individual persons other than those from whose order, the petitioner is aggrieved.

4. Learned counsel for the State submits that the petitioner may be appointed in the year 1999 but the inspection was made in the year 2017 when the Rule of 2016 was in existence and according to the said rule, the District Magistrate is the appellate authority and his order is final and therefore, there is no need to any interference.

5. Upon hearing the parties and going through the pleadings, it transpires to this Court that the original order has been passed by the District Programme Officer, Buxar which has been challenged before the District Magistrate, Buxar. The District Magistrate, Buxar prior to passing the final order has called for a report from the District Programme Officer, Buxar himself whose order is under challenge before the District Magistrate. The development of such type of situation in view of the Court has examined the decision as per



the doctrine of bias as well as the doctrine of violation of natural justice.

6. In the opinion of this Court, the District Magistrate at the time of hearing of appeal must have enquired from any person other than those whose order is under challenge before him.

7. In this view of the matter, this Court sets aside the order dated 24.08.2018 passed in Anganbari Appeal No. 52/2018 by the learned District Magistrate, Buxar, and directs the District Magistrate, Buxar to pass a fresh order in this matter after conducting enquiry from a person other than District Programme Officer, Buxar within 90 days from the date of production of a copy of this order.

8. With the aforesaid observation and direction, the writ petition stands disposed off.

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	
CAV DATE	NA
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