

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13419 of 2011

=====

Meena Devi W/o Brahm Narayan Yadav R/o Vill.- Khaira, P.S- Narpatganj,
Distt.- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director, I.C.D.S., Directorate, Social Welfare Department Govt. Of Bihar, Patna
3. The Commissioner, Purnea Divsion, Purnea
4. The Collector, Araria
5. The District Programme Officer-Cum-District Welfare Officer, Araria
6. The Child Development Project Officer, Narpatganj, Araria
7. The Mukhiya, Gram Panchayat Raj Khaira, P.S.- Narpatganj, Distt.- Araria
8. Premlata Devi, W/o Ranjan Yadav, R/o Village Khaira Chanda, P.S. Narpatganj, Distt. Araria.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Beauty Verma, Advocate Mr. Rohit Kumar, Advocate
For the State	:	Mr. Mahtab Alam, AC to SC-20

=====

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 12-07-2024

In the instant petition, petitioner has prayed for the following relief(s):-

"(a) For issuance of an appropriate writ in quashing the notice published in daily newspaper "Hindustan" on 14/12/2007, so far as Narpatganj, Bahardan Tola, Anganbari Centre having Code No. 12104, District-Araria, as contained in Anneuxre-2.

(b) For issuance of an appropriate writ in quashing the consequential letter no. 306 dated 17/12/2007 issued by C.D.P.O. Narpatganj, District-Araria, the District Welfare Officer, Araria, seeking permission for fresh selection of Anganbari Sevika



for the Centre-12104, of Khaira Panchayat, as contained in Annexure-4.

(c) For issuance of appropriate writ for quashing teh order of Commissioner, Purnea Division, Purnea, dated 27/04/11 in Appeal Case No. 60/10 as contained in Annexure-8.

(d) For issuance of an appropriate writ in quashing the order of Collector, Araria dated 24/11/10 in Misc. Case No. 42/08-09 as contained in Annexure-7.

(e) For issuance of an appropriate writ commanding the respondents to reinstate the petitioner with all consequential benefit."

2. Petitioner while working as Anganbari Sevika at Centre-12104 of Khaira Panchayat in the district of Araria, it is alleged that she was not functioning the Angnabari Centre to the satisfaction of the the authorities insofar as distribution of food to the children. In this regard, no notice of inquiry has been issued and so also inquiry has not been conducted on the other hand straight-away order of termination was notified in the Newspaper "Hindustan" on 14.12.2007. In identical matter, Division Bench of this Court in the case of **Meera Devi vs. The State of Bihar & Ors. (LPA No. 1106 of 2018 arising out of CWJC No. 17378 of 2011)** decided on 15.12.2022 has held that if the termination of Anganbari Centre is based on allegations in such circumstances domestic inquiry was warranted even though regulation governing the post of Anganbari Centre was not for holding inquiry on certain impu-



tation/misconduct alleged to have been committed by Anganbari Sevika.

3. Taking note of the aforementioned decision and the fact that petitioner services have been terminated without notice and other formalities of holding a formal inquiry to the extent of proving the alleged allegation that petitioner was not discharging the post of Anganbari Sevika insofar as distribution of food to the children. On this point, learned counsel for the petitioner has made out a case.

4. At this stage, learned counsel for the petitioner submitted that one Smt. Premlata Devi is stated to have been appointed at Anganbari Centre against the post held by the petitioner. In her order of appointment condition has been imposed that selection and appointment is subject to the outcome of the present CWJC No. 13419 of 2011. If it is so petitioner shall be reinstated as Anganbari Sevika after giving notice to Smt. Premlata Devi to the extent that CWJC No. 13419 of 2011 has been allowed in favour of Meena Devi.

5. Having regard to the facts and circumstances, petitioner is entitled to monetary benefits and arrears three years prior to filing of the present CWJC No. 13419 of 2011 in the light of



Hon'ble Supreme Court decision in the case of *M.R. Gupta V. Union of India & Others* reported in *AIR 1996 SC 669*.

6. The concerned respondent is hereby directed to calculate difference of pay or consolidated pay attached to the post of Anganbari Sevika from 04.12.2007 till reinstatement. The arrears shall be calculated and disbursed in favour of the petitioner within a period of three months from the date of receipt of this order. The concerned authority is hereby directed to reinstate the petitioner at the earliest.

7. Accordingly, the present writ petition stands allowed.

(P. B. Bajanthri, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

