

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9974 of 2024

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Satyabhama Devi @ Satyabhama W/o- Late Rajendra Pandit Resident of - Mahshaili Gidwas, Pandit Tola, P.O- Gidwas, P.S- Raniganj, Prakhand-Raniganj, District- Araria (Bihar) earlier posted as Aganwari Sevika Centre No- 240 (Gidwas), Ward No-10.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary General Administration Department, Govt. of Bihar, Patna.
2. The Divisional Commissioner, Purnea.
3. The Director, ICDS Social Welfare Department Govt. of Bihar, Patna.
4. The District Magistrate Araria.
5. The District Program Officer (ICDS) Araria.
6. The CDPO Prakhand, Raniganj Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Arvind Kumar, Adv.
For the Respondent/s	:	Mr. Manoj Kr. Ambastha, SC-26
		Mr. Subod Kumar, (AC to SC-26)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 01-07-2024 Heard learned counsel for the petitioner and learned counsel for the State.

2. The present writ application has been filed for the following relief(s):-

(i) For issuance of a writ in the nature of a writ of certiorari quashing order dated 16.03.2024 in Anganwadi appeal no 24 / 2024 passed by respondent no 2 (divisional commissioner Purnea whereby the respondent no 2 has concurred with charges levelled by respondent no 5 (DPO Araria) and CDPO (Raniganj Araria) and has upheld order dated 30.11.2022 contained in



memo no 1560 by the DPO Araria without going into and not appreciating the fact that the charges not proved against the petitioner.

(ii) For issuance of a writ of mandamus commanding the respondent authorities for reinstatement of the petitioner on the post of Aganwari Sevika of center no- 240 Gidwas Raniganj, Araria as the petitioner has neither been given personal opportunity of hearing nor records maintained by the petitioner has been demanded or perused meticulously by any concerned senior official and as such the petitioner has not committed any wrong or indulged in any fraudulent activity attracting such a harshest punishment at the fag end of her service.

(iii) For holding that even if certain records not being maintained as per prescribed procedure / register even then the same itself cannot be the sole reason for the harshest nature of removal as the petitioner because of death of her husband and being ill undergoing treatment and as such in view of natural justice and humanistic ground also requires support of respondent authorities and not the kind of draconian treatment of which the petitioner has been made victim outrightly by way of removal for her no fault in any manner.



3. It transpires to this Court that petitioner has earlier moved before this Hon'ble Court in C.W.J.C. No. 2487 of 2023 in which vide order dated 13.07.2023, she was directed to assail her order before the appropriate authority under the 2019 guidelines, thereafter the matter was decided by the Divisional Commissioner, Purnea which is Annexure-P10.

4. From the perusal of the document, learned counsel for the petitioner submits that on the said date of inspection, the death of petitioner's husband took place. It is due to this reason, she was found absent.

5. Learned counsel for the State submits that ground of date of death has not been supported by any document, as in this regard, the D.P.O. and D.M., Araria both have indicated in their respective order-sheet. He further submits that the said ground has also not taken before the Divisional Commissioner, Purnea.

6. Upon perusal of the order passed by the Divisional Commissioner, Purnea, it has been found that no such plea has been taken and it has been categorically observed by the Divisional Commissioner, Purnea that with regard to her pleadings, no evidence has been produced.

7. In this view of the matter, this Court has no option but to affirm the order.



8. Accordingly, the present writ application stands dismissed.

(Dr. Anshuman, J)

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