

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16236 of 2023

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Kamini Kumari Wife of Dheeraj Kumar, Daughter of Shyam Sundar Sah,
Resident of Saidpur Bishunpur, Ward No. 6, P.O.- Deopura, Police Station-
Naokothi, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health,
Government of Bihar, Patna.
2. Medical Officer Incharge, Primary Health Centre, Naokothi, District-
Begusarai.
3. Gram Panchayat Saidpur, Bishnupur through its Mukhkiya.
4. Mukhiya, Saidpur Bishnupur, Gram Panchayat, District- Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Wasi Akhtar, Adv.
For the Respondent/s : Mr.Mujtabaul Haque (GP-12)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 22-04-2024

1. The present writ petition has been filed for quashing the order dated 05.08.2023, passed by the In-charge Medical Officer, Primary Health Centre, Naokothi, Begusarai, whereby and whereunder merely on a hypothetical basis, i.e receipt of several complaints regarding irregularities committed in selection of ASHA workers, the selection of the petitioner has been cancelled.

2. The learned counsel for the petitioner has submitted that on bald allegation, the selection of the petitioner has been cancelled without giving any show-cause notice to her, which is



in violation of the Principles of Natural Justice and moreover, though the respondent-State has mentioned in paragraph no. 14 of the counter affidavit filed in the present case, that the Mukhiya of the concerned Gram Panchayat had committed irregularity in the selection process by not following the due process of law, as provided for by the Bihar State Health Society, however, no action has been taken against the said Mukhiya, till date, which smacks of discrimination.

3. Per contra, the learned counsel for the respondent-State has submitted that no procedure was followed in making the aforesaid appointment of the petitioner and gross irregularities were committed by the concerned Mukhiya, hence, the appointment of the petitioner has been cancelled. Nonetheless, it has not been denied that no opportunity was granted to the petitioner to put forth her defense prior to cancellation of her selection.

4. Having regard to the facts and circumstances of the case, I find that the impugned order dated 05.08.2023, passed by the In-charge Medical Officer, Primary Health Centre, Naokothi, Begusarai, is not only a cryptic and an unreasoned order but has also been passed without either issuing show-cause to the petitioner or giving an opportunity to the petitioner



to put forth her defense, hence has been passed in violation of the Principles of Natural Justice, thus, is quashed, being contrary to law.

5. The writ petition stands allowed.

(Mohit Kumar Shah, J)

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CAV DATE	NA
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Transmission Date	NA

