

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.365 of 2022

In
Civil Writ Jurisdiction Case No.2249 of 2019

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Bibi Tarana @ Bibi Tarana Khatun Wife of Md. Sajim, Resident of Village-
Ishakchak, P.S.- Ishakchak, District- Bhagalpur.

... .. Appellant.

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Social Welfare Department, Govt. of Bihar, Patna.
3. The Director, Integrated Child Development Services, Govt. of Bihar, Patna.
4. The Commissioner, Bhagalpur Division, Bhagalpur.
5. The District Magistrate, Bhagalpur.
6. The District Programme Officer, ICDS, Bhagalpur.
7. The Child Development Project Officer, Sadar, Bhagalpur.

... .. Respondents.

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Appearance :

For the Appellant	:	Mr. Sharda Nand Mishra, Advocate. Mr. Ranjan Kumar Jha, Advocate. Mr. Atul Kumar, Advocate. Mr. Dhamdev Kumar, Advocate.
For the State	:	Mr. Gyan Prakash Ojha. GA-7. Mr. Abhinav Ashok, AC to GA-7.

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 08-04-2025

The appellant has assailed the order of the learned
Single Judge dated 21.06.2022 passed in C.W.J.C. No.2249 of
2019.

2. Services of the appellant have been terminated on
the alleged allegations relating to certain alleged misdeeds



stated to have been committed during the course of her service. In this regard, only show cause notice had been issued and proceeded to terminate her services. When the allegations are serious in nature, they should have initiated inquiry in the manner known to the law like adducing evidence, examination and cross-examination of the relevant witnesses like inspecting party/officer. Those material information are not available. On this issue, Coordinate Bench has passed the following order on 04.02.2025:

“Concerned respondents are hereby directed to furnish copy of the Inquiring Officer’s report before order of termination. In the inquiry proceedings whether the then District Programme Officer, Bhagalpur has been cited as witness and he has been examined and cross-examined in the inquiry or not?

2. Further learned counsel for the State is hereby directed to secure instruction as to whether incumbent Sevika appointment is subject to outcome of the present proceedings or not? In this regard copy of the order of appointment issued to the incumbent Sevika be placed on record on the next date of hearing, failing which the Child Development Project Officer, Sadar, Bhagalpur, respondent no.7 shall appear with the complete records.

3. Re-list this matter on 25.02.2025.”



3. State-respondents have filed counter affidavit on behalf of the respondent nos.5 to 7. They have not furnished copy of the Inquiring Officer's report. Obviously, inquiry was not held. Therefore, question of furnishing of the Inquiring Officer's report is impracticable.

4. Having regard to the alleged allegations relating to certain serious issues in not maintaining the Aanganwari Centre by the appellant followed by her termination, the learned Single Judge has not taken note of and appreciated that due process of law has not been followed before her termination. On this count, the appellant has made out a case so as to interfere with her termination order dated 19.09.2016 as well as the order of the learned Single Judge dated 21.06.2022 passed in C.W.J.C. No.2249 of 2019.

5. Accordingly, the termination order of the appellant dated 19.09.2016 as well as the order of the learned Single Judge dated 21.06.2022 passed in C.W.J.C. No.2249 of 2019 are set aside.

6. The appellant is entitled to all consequential monetary benefits from the date of her termination till reinstatement. If there are any administrative difficulties in reinstating the appellant in that event necessary action shall be



taken after providing due ample opportunity of hearing/notice to the incumbent Sevika-Tammana Khatoon of Aanganwari Centre No.105 situated in Ishakchak B. Tola, Bhagalpur and further proceedings and communicate the same to the affected party. The aforementioned action shall be taken by the District Programmed Officer, Bhagalpur. The above exercise shall be completed within a period of three months from the date of receipt of this order.

7. The present L.P.A. No.365 of 2022 stands allowed.

8. Pending Interlocutory Application(s), if any, stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Sinha, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.04.2025.
Transmission Date	NA

