

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17297 of 2013

Pratima Kumari, Wife of Raj Kumar Prasad, Resident of Village- Mahadeo Bigha, P.S. Noorsarai, District- Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Social Welfare Department, Bihar, Patna.
2. Director, Integrated Child Development Services (Social Welfare Department), Bihar, Patna
3. Commissioner, Patna Division, Patna
4. District Magistrate, Nalanda
5. District Programme Officer, Nalanda
6. Child Development Project Officer, Noorsarai, Nalanda
7. Mamta Kumari, W/o Sri Raj Kumar, R/o- Village Mahadev Bigha, P.O. Sakaraudha, P.S. Noor Sarai, District- Nalanda, Pin Code- 803111, Posted on Anganwari Centre No. 95, Mahadev Bigha, Panchayat Nardiauna, Block Noor Sarai, District- Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar Singh, Advocate Mr. Arun Kumar, Advocate Mr. Rampriya Sharan Singh, Advocate
For the State	:	Mr. Raghwendra Kumar, SC-22
For the Resp. No.7	:	None

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT

Date : 23-12-2025

1. Heard learned counsel for the petitioner and learned counsel for the State of Bihar. No one appears on behalf of respondent no.7.

2. The petitioner has filed the instant application for quashing the order contained in Memo no.1475 dated 22.9.2011 passed by the District Programme Officer (D.P.O.), Nalanda whereby the petitioner's service as an *Anganwadi Sevika* at



Centre no.95, Mahadev Bigha, block- Noorsarai in the district of Nalanda was terminated. Further prayer has been made to quash the order dated 10.5.2012 passed in Miscellaneous Anganwadi Case no.50 of 2011 whereby the District Magistrate, Nalanda was pleased to reject the appeal filed by the petitioner as also for quashing the order dated 18.4.2013/31.7.2013 passed in Miscellaneous Appeal no.244 of 2012 whereby the Commissioner, Patna Division, Patna was pleased to dismiss the appeal/revision filed by the petitioner.

3. The case of the petitioner in brief is that being fully eligible, she was appointed as an *Anganwadi Sevika* for the *Anganwadi* Centre at Mahadev Bigha under Noorsarai block in the district of Nalanda on 20.1.1992. She performed her duties to the satisfaction of all concerned and there was no complaint against her. It is the case of the petitioner that on 16.8.2011, as a result of certain medical exigency of having felt severe stomach pain, the petitioner sent an application for leave to the concerned Ward Member and proceeded for treatment. On her return it transpired that the Child Development Project Officer (C.D.P.O.), Noorsarai, Nalanda had come to her Centre for inspection. The absence of the petitioner was reported by the C.D.P.O. to the D.P.O., Nalanda. The report also incorrectly



stated that the distribution of Take Home Ration (THR) was not taking place in a regular manner nor was the *Anganwadi* Centre being run properly.

4. A show-cause notice dated 27.8.2011 was issued to the petitioner to which she replied on 5.9.2011 and also appeared in person and explained that the Take Home Ration had been distributed to the beneficiaries.

5. By order dated 22.9.2011, the D.P.O., Nalanda was pleased to remove the petitioner from the post of *Anganwadi Sevika*.

6. The appeal and revision preferred by the petitioner before the District Magistrate, Nalanda and the Commissioner, Patna Division, Patna were both rejected by orders dated 10.5.2012 and 18.4.2013/31.7.2013.

7. It is submitted by learned counsel for the petitioner that her removal from the post of *Anganwadi Sevika* for absence on a single date is extremely harsh and disproportionate to the allegations levelled against her. It is submitted that in a similar matter, this Court has granted relief to a similarly situated *Anganwadi Sevika* vide order dated 11.10.2017 passed in CWJC no.5539 of 2014.

8. Heard learned counsel for the parties and perused



the material on record.

9. It transpires from the contents of the writ petition that on an inspection having been carried out of the *Anganwadi* Centre where the petitioner was posted in the capacity of *Anganwadi Sevika* on 16.8.2011, the Inspecting Officer found the Centre to be closed and the petitioner absent. It further transpires that on enquiry from some persons, they are said to have made allegations that there is no regular distribution of the Take Home Ration.

10. On perusal of the show-cause notice dated 27.8.2011 which mentions about the allegations/charges as stated herein above, it transpires that there is no statement naming the witnesses who are said to have made the complaint against the petitioner. The allegations of the Centre not being run properly nor Take Home Ration being distributed in a regular manner are as vague as they can be.

11. The net result of the show-cause notice to the petitioner and her reply thereto is that an order dated 22.9.2011 was passed by the D.P.O., Nalanda terminating the petitioner from the service of *Anganwadi Sevika*. This order of the D.P.O., Nalanda is also absolutely vague, cryptic and lacking in material details as to what was found or what allegations proved against



the petitioner. Neither the contents of the enquiry report has been dealt with, nor who conducted the said enquiry or as to who all were examined and what statement they gave against the petitioner.

12. Similarly, the order of the District Magistrate, Nalanda as also that of the Commissioner, Patna Division, Patna are also vague.

13. The Commissioner, Patna Division, Patna has proceeded on the premise that even if the petitioner fell ill on 26.8.2011, she should have subsequently got her leave for the day sanctioned by sending an application in the Office of the C.D.P.O. The action of the authorities terminating the service of the petitioner as an *Anganwadi Sevika* for her absence on a single date can only be said to be disproportionate. It is under similar circumstances that the relief was granted by order dated 11.10.2017 to the petitioner therein in CWJC no.5539 of 2014.

14. In the facts and circumstances of the case, in the opinion of this Court, the orders impugned are not sustainable.

15. The order dated 22.9.2011 (Annexure-7) of the D.P.O., Nalanda, order dated 10.5.2012 (Annexure-9) of the District Magistrate, Nalanda and the order dated 18.4.2013/31.7.2013 (Annexure-10) of the Commissioner, Patna



Division, Patna are all set aside.

16. The petitioner will be restored to her position as an *Anganwadi Sevika* within a period of three months, however as in the meantime the respondent no.7 was working in the said capacity at the said *Anganwadi* Centre, the petitioner will not be entitled for the arrears of salary.

17. The writ application stands allowed.

(Partha Sarthy, J)

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AFR/NAFR	
CAV DATE	N/A
Uploading Date	23.12.2025
Transmission Date	N/A

