

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6105 of 2020

Suman Kumari Wife of Surendra Prasad Gupta, resident of Aganwari Kendra-161, Kagzi Mohalla, Obra, Police Station- Obra, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Government of Bihar, Patna.
2. The Director, I.C.D.S., Bihar, Patna.
3. The District Magistrate, Aurangabad.
4. The District Programme Officer, Aurangabad.
5. The Child Development Project Officer, Obra, Aurangabad.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No2
For the Respondent/s : Mr. S. K. Mandal, SC-3

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

Date : 30-03-2022

Heard learned counsel for the parties.

In the instant petition, petitioner has prayed for the following relief/reliefs:

“For appropriate writ/writs, order/orders, direction/directions for setting aside the order dated 26.09.2019 passed by the court of Collector, Aurangabad in Anganwari Appeal No.- 09 of 2016, whereby and where under the appeal filed by the



petitioner against order dated- 22.07.2019 passed in Termination Case No. – 206 of 2016 by the District Programme Officer, Aurangabad has been dismissed and further prohibited for selection of the petitioner on the post of Anganwari Sevika and/or for any other relief or reliefs to which the petitioner may be found entitled to in course of hearing of this writ application.”

In the instant petition, petitioner was appointed as Anganwari Sevika on 12.05.2007. Her services were terminated on 22.07.2016. Feeling aggrieved and dissatisfied with the order of termination, she preferred appeal before the appellate authority and suffered an order before the appellant authority on 26.09.2019. Thus, the present petition.

The petitioner while working as Anganwari Sevika, concerned centre was inspected by the inspecting authority on 18.01.2016 and found certain irregularities alleged to have been committed by the petitioner. In the result, a report was submitted to the appointing authority for taking further action in the matter. The competent authority who has dispensed the services of the petitioner without looking into the report of the inspecting authority and in not citing the report, author of the report as witness, the alleged allegations levelled in the inspection report



is stated to have been proved. It is not disputed by learned counsel for the State that inspection report has not been cited and author of the inspection report has not been examined or cross examined. Thus, *prima facie*, there is violation of principles of natural justice in not providing opportunity to the petitioner.

It is to be noted that for the purpose of initiation of enquiry against Anganwari Sevika, there is no specific disciplinary rules or regulations/guidelines except for imposition of certain penalty like warning and disengagement of service etc. Even in the absence of disciplinary rules, on the alleged allegations domestic enquiry is warranted in order to prove the alleged allegations.

In the light of these lacunas committed by the officials in terminating or disengaging the services of the petitioner on 22.07.2016 and its confirmation dated 26.09.2019 are set aside. The petitioner shall be taken back to duty forthwith. She is entitled to monetary benefits from the date of disengagement of her services from 22.07.2016 till reinstatement into service, reserving liberty to the official respondents to initiate the enquiry, if it is warranted at this stage and complete the same within a period of three months, from the



date of receipt of this order.

With the above observations, writ petition stands allowed.

(P. B. Bajanthri, J)

Ankit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.04.2022
Transmission Date	NA

