
(2022) 03 PAT CK 0069

Patna High Court

Case No: Civil Writ Jurisdiction Case No. 10832 Of 2020

Sindhu Devi @ Sindhu Kumari

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision: March 29, 2022

Hon'ble Judges: P. B. Bajanthri, J

Bench: Single Bench

Advocate: Pramod Ban Bihari Singh, Rajesh Kumar, Tej Pratap Singh

Final Decision: Allowed

Judgement

1. Heard learned counsels for the parties.

2. In the instant petition, petitioner has prayed for following reliefs:-

“(i) For issuance of a writ in the nature of Certiorari or any other appropriate writ for quashing the order dated 12.06.2020 vide letter No. 231

passed by the Respondent No. 4 wherein and whereby the appointment of the petitioner to the post of Anganbari Sahayika of Anganbari Centre No.

93, Ward No. 7 under Katea Panchayat, Lahladpur Block, District- Saran at Chapra has been terminated/ cancelled.

(ii) For issuance of any other writ/writs, order/orders, direction/directions which your Lordships may deem fit and proper in the facts and circumstances of the case.”

3. On 12.01.2022 following order was passed:

“The matter is heard via video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

State counsel accepts notice for Respondent Nos. 1 to 3.

Issue notice to Respondent No. 4.

The 3rd Respondent is hereby directed to file an affidavit stating that as to why petitioner's services have been terminated. Such affidavit be filed

before the next date of hearing, failing which, 3rd Respondent is hereby directed to pay cost of Rs. 5,000/- in the Bihar State Legal Services

Authority.

Re-list this case on 09.02.2022.

Copy of this order shall be furnished to the Respondent counsel, Kumari Amrita, GP3.

4. Today learned counsel for Respondent Nos. 2 to 4 submitted that an affidavit has been filed. Petitioner has already invoked the remedy of appeal

before the appellate authority. In respect of similar issue, it is further submitted that petitioner has mislead the selecting and appointing authority to the

post of Anganbari Sahayika in Centre No. 93 Ward No. 7, Katea Panchayat, Lahladpur Block, District- Saran at Chapra. Such a material information

has been taken by the concerned official respondent behind the back of the petitioner. Petitioner was not provided the alleged fake/false documents

stated to have been produced by the petitioner. Before cancellation or termination of the petitioner's services from the post of Anganbari

Sahayika, petitioner was not provided opportunity of hearing like, issuance of show cause notice and adverse materials so as to enable her to furnish

detailed explanation. If the petitioner is disputing the version of the officials respondents in that event domestic enquiry was required to be held. The

aforesaid procedure has not been complied. In other words, prima facie there is violation of principle of natural justice before passing impugned order.

Accordingly, petitioner has made out a case. The order dated 12.06.2020 (Annexure-2) is set aside.

5. The concerned official respondent is hereby directed to proceed in accordance with law after due opportunity of hearing to the petitioner and 4th

Respondent- Rani Devi. Aforesaid procedure shall be completed within a period of four months from the date of receipt of this order. In the

meanwhile, petitioner shall be taken back to duty forthwith and extend all monetary benefits for the intervening period from the date of

termination/cancellation of service till reinstatement into service.

6. Accordingly, the present petition stands allowed.