
(2010) 09 JH CK 0050

Jharkhand High Court

Case No: LPA No. 409 of 2010

Sunita Devi

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision: Sept. 27, 2010

Citation: (2011) 1 JCR 255

Hon'ble Judges: Sushil Harkauli, J; Dhirubhai Naranbhai Patel, J

Bench: Division Bench

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

1. When the earlier writ petition of the Petitioner/Appellant being WPS No. 169 of 2010 was allowed by order dated 22.1.2010, it was specifically provided that opportunity of hearing is meaningless and empty formality, unless there is a proper show-cause notice disclosing the grounds.

2. Subsequently, on 20.2.2010. a notice enclosed as Annexure-9 was issued to the Petitioner asking her to appear with relevant documents and to place her defence, on the date fixed. The notice again failed to detail the grounds on which the appointment of the Petitioner was proposed to be cancelled. Thereafter, after giving opportunity of hearing to the Petitioner/ Appellant, order dated 12.3.2010 was passed saying that recommendation in the General Meeting was with regard to the name of one Binda Devi but the Petitioner had been appointed by striking out the name of Binda Devi and inserting the name of the Petitioner/Appellant.

3. Therefore, the impugned order was violative not only of principles of natural justice but also of specific direction of order dated 22.1.2010 which had attained its finality between the parties.

4. This aspect has been over-looked in the impugned order of the learned single Judge.

5. In the circumstances, we set aside the impugned order dated 19.8.2010 passed by learned single Judge in WPS No. 1534 of 2010 and also the order dated 12.3.2010 which was under challenge before the learned single Judge.
6. Since, grounds are now known clearly by the Petitioner/Appellant, therefore, we require the Petitioner/Appellant to file reply in the light of the aforesaid grounds within 15 (fifteen) days from today before Respondent No. 6, Child Development Project Officer, Manatu, Palamau.
7. Respondent No. 6 will give an opportunity of hearing to the Petitioner/ Appellant and, thereafter, pass a reasoned order considering the defence of the Petitioner/Appellant. The appeal is allowed to the above extent.