

In The Court of Commissioner, Saran Division, Chapra  
Anganbari Appeal No. 265/2012  
Geeta Kumari  
Vrs.  
The State of Bihar.

18.02.2014.

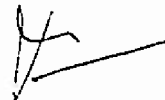
ORDER

The instant appeal petition has been filed pursuant to the direction of Hon'ble High Court, as contained in order dated 6.08.2012 while disposing the CWJC No. 11473/2012 (Geeta Kumari vrs The State of Bihar)

The brief facts of the case are that the appellant Geeta Kumari W/o Ashok Kumar R/o Village- Nawada P.S.- Barauli, Dist- Gopalganj was an Anganbari Sevika at centre No. 112 situated in village- Babhnauli Madhya Nawada. The said centre was inspected by Dist. Level Enquiry team of ICDS on 25.10.2011. In course of inquiry certain irregularities were found and the centre was also closed. The mater was reported to DPO Gopalganj who in turn vide memo No. 862 dated 31.10.2011 asked show cause reply. The appellant filed her show cause reply on 9.11.2011 stating therein that on the day of inspection she went to Barauli, PHC for her treatment. Then on finding the said show cause reply to be unsatisfactory, the DPO, Gopalganj vide order contained in memo No. 177 dated 13.02.2012 terminated the <sup>sew</sup>engagement of the appellant. Feeling aggrieved by the termination order, the appellant preferred a case vide 21/2011 before D.M. Gopalganj and the said case was dismissed on 17.02.2012. This led to filing of CWJC No. 11473/2012 before Hon'ble High Court. Later on the direction of Hon'ble High Court vide order dated 6.08.2012, the appellant came before this court in appeal.

Heard the parties.

The learned counsel appearing on behalf of the appellant submitted that the impugned order is against the law and facts of the case and also termination order has been passed without applying judicial mind. He further submitted that actually on the day of inspection, the appellant had gone to PHC, Barauli for her treatment. Although, the appellant explained the cause of her absence in her show cause reply supported by the Hospital's prescription, but the same was not considered either by DPO, Gopalganj or D.M. Gopalganj. The learned counsel further pleaded that the appellant was not <sup>sew</sup>afforded any opportunity of hearing before passing of termination order thereby it is a case of complete denial of natural justice. He lastly prayed that the

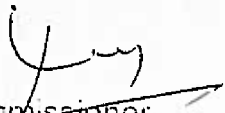



impugned order be set aside and this appeal be allowed.

The learned G.P. appearing on behalf of the D.M. Gopalganj while forwarding his arguments, supported the impugned order and also submitted that the appellant was charged for complete violation of the instructions contained in the guidelines for running of Anganbari centres and even the centre was kept closed without informing any superior authority. This appeal having no merit is fit to be dismissed.

Considering the facts and circumstances of the case, material on records it appears that the appellant has been charged for violation of the instructions of ICDS, guidelines in running the centre. It is an admitted fact that the centre was closed on the day of inspection as the appellant herself admitted in her show cause reply and the reason for that she went to Barauli for her treatment and Sahayika had also gone somewhere else. This obviously shows that the duo, Sevika and Sahayika were absent on the day of inspection without giving any prior information to the authorities concerned and the reason explained by her for her absence is not acceptable. The learned D.M. Gopalganj, passed a reasoned and speaking order. The appellant failed miserably to point out any illegality in the impugned order or brought any new facts or evidence to consider worthwhile at this stage.

For the reasons aforesaid, the impugned order of D.M. Gopalganj is upheld, and this appeal having no merit is dismissed. Dictated & Corrected by me.

  
Commissioner  
Saran Division, Chapra 2114

  
Commissioner  
Saran Division, Chapra 2114