
(2014) 02 PAT CK 0001
In the Patna High Court
Case No : C.W.J.C. No. 1238 of 2014

Nandini Devi

APPELLANT

Vs

The State of Bihar

RESPONDENT

Date of Decision : 17-02-2014

Acts Referred:

Citation : (2014) 3 PLJR 565

Hon'ble Judges : Jayanandan Singh, J

Bench : Single Bench

Advocate : Sharda Nand Mishra and Ranjan Kumar Jha, Advocate for the Appellant; Sushant Kumar, Advocate for the Respondent

Judgement

Jayanandan Singh, J.—From Annexure-5 it appears that the Block Development Officer has received letter No. 1306 dated 21.7.2012 from the Deputy Development Commissioner, Banka in response to which he was submitting his report through this letter dated 30.7.2013. Annexure-3 is the order of the Collector dated 7.6.2013 by which appeal of the petitioner has been rejected. From the original order of the District Programme Officer as well as the order of the Collector it is apparent that on inspection of Anganwari Centre of petitioner on the next day of Holi festival, petitioner was not found present. However, on receiving information of inspection, she rushed to the Anganwari Centre. It was also found that children were not present. Hence, this was treated as lapse on the part of the petitioner and after due notice, she has been disengaged.

2. The defence of petitioner was that, being the next day of Holi festival, children were engaged in cleaning clothes and did not come at the Centre and she had also upset stomach due to which she had gone home. The defence of petitioner has not been accepted by the District Programme Officer and also by the Collector.

3. However, it appears that after petitioner filed her appeal, a report was called for from the Block Development Officer through the said letter No. 1306 dated

21.7.2012 which finds reference in Annexure-5. But Annexure-5 containing his report was submitted by the Block Development Officer after the Collector passed the impugned order. Obviously, the same could not be considered.

4. In the circumstances, this Court finds that first of all, once report having been called for, the Collector should have sent reminder to the Block Development Officer for the same and, in all propriety, should have waited for it or ensured that the report is submitted and then only should have heard the matter and should have disposed of the appeal of petitioner.

5. Secondly, it is a common knowledge that in this State the hangover of festival of Holi continues for a couple of days. Generally on the next day of Holi, people take time to resume normal activities and come in full swing in performance of their duties and functions late. Hence, first of all inspection should not have been held of centre of the petitioner on the very next day of Holi. If it was held she should have been given the benefit of doubt, in case no defalcation or misappropriation or lapses in maintenance of records or distribution of foodgrains was found in the inspection. The mere fact that children were not available at the Centre on that date does not amount to such a serious lapse which could invite disengagement of petitioner.

6. Learned counsel for the respondents submits that in the light of these observations, the Collector may be directed to pass fresh order in accordance with law. This writ application is, accordingly, allowed. The order passed by the Collector as contained in Annexure-3 is quashed and he is directed to take into account the report of the Block Development Officer contained in letter No. 789 dated 30.7.2013, consider the fact that inspection was held on the very next day of Holi festival and pass appropriate orders in accordance with law within two months from the date of receipt/production of a copy of this order.