

(2012) 07 JH CK 0128

In the Jharkhand High Court

Case No : Writ Petition (S) No. 156 of 2010

Sunita Devi and Another

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 05-07-2012

Acts Referred:

Citation : (2013) 1 AJR 371 : (2012) 4 JCR 572

Hon'ble Judges : Dhirubhai Naranbhai Patel, J

Bench : Single Bench

Advocate : Atanu Banerjee, for the Appellant; Arbind Kumar, J.C. to G.P.-II, for the State, for the Respondent

Judgement

D.N. Patel

1. Present writ petition has been preferred mainly for the reason that the services of the petitioners have been terminated by the Deputy Commissioner, Ramgarh vide order dated 11th September, 2009, which is annexed at Annexure-S/1 to the memo of the supplementary affidavit, filed by the petitioners. Learned counsel for the petitioners submitted that on 18th June, 2009, Anganbari Centre at Burhakhokra Munda Tola, situated at District- Ramgarh was inspected by the high ranking officer, where, several irregularities were found and, therefore, show cause notice was given to the petitioners on 18th June, 2009. The reply were given by the petitioners, which is at Annexure-5 to the memo of the petition. It has been stated in the show cause notice that room of Anganbari Centre was not properly cleaned, only eight children were present and such other irregularities were mentioned in the show cause notice. It has been mentioned in the reply that in particular village both male and female are working for getting their livelihood and few children had gone back to the home. Moreover, learned counsel for the petitioners further submitted that the petitioners were working as Anganbari Sevika and Anganbari Sahayika since 2005 and the impugned order passed by the Deputy Commissioner, Ramgarh was not served upon the petitioners. The petitioners have obtained the said order later on and the same is

annexed with the supplementary affidavit.

2. Learned counsel for the State submitted that several irregularities were found on the date of inspection and, therefore, a detailed show cause notice was given to the petitioners, which is at Annexure-4 to the memo of the petition. The reply was sought for from the petitioners. Looking to the reply at Annexure-5, it appears that absolutely vague reply has been given by the petitioners. Looking to the reply, it appears that not a single convincing reason was given by the petitioners. The petitioners have not taken any care of the children, who are beneficiary of the Anganbari Centre. Moreover, food grain, given at the Anganbari Centre, has also been misused, as per the show cause notice. There is no reply, at all, looking to Annexure- 5 to the memo of the petition and, therefore, no illegality has been committed by the Deputy Commissioner, Ramgarh by passing the impugned order.

3. Having heard learned counsel for both the sides and looking to the facts and circumstances of the case, I see no reason to entertain this writ petition mainly for the following facts and reasons:

(i) Petitioner no. 1 and petitioner no. 2 were appointed as Anganbari Sevika and Anganbari Sahayika respectively in the year 2005 at Anganbari Centre at Burhakhokra Munda Tola, situated at District Ramgarh. On 18th June, 2009, Anganbari Centre was inspected by the high ranking officer. Several irregularities were found and, therefore, a detailed show cause notice was given on 18th June, 2009, which is at Annexure-4 to the memo of the petition and reply was sought for from the petitioners.

(ii) Annexure-5 is a reply of the show cause given to the petitioners. Looking to this reply, it appears that they have explained paucity of property available on rent, which is non of business of the petitioners to get property on rent on behalf of the State. This is not a reply, at all, on behalf of the petitioners of the show cause issued by the respondents. Further, it has been stated in the reply that in particular village, both male and female are working for getting their livelihood. This is a philosophical sentence, which has no causal connection with the show cause. Looking to the show cause notice, it appears that there are serious allegations against the petitioners and no reply has been given especially about the food grain etc.

(iii) It also appears that the petitioners have not taken any care of the Anganbari Centre and the same was not kept neat and clean, because of which, it affects the health of the children. Moreover, there is also misuse of food grain, as stated in the show cause notice.

In view of the aforesaid facts and reasons and also looking to the impugned order, it appears that no illegality has been committed by the Deputy Commissioner, Ramgarh while passing the impugned order dated 11th September, 2009, which is annexed at Annexure- S/1 to the memo of the supplementary affidavit, filed by the petitioner. There is no substance in this writ

petition and, hence, the same is, hereby, dismissed.