IN THE HIGH COURT OF JHARKHAND AT RANCHI

**W.P. (S) No. 3078 of 2014**

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Renu Kumari, aged 56 years, W/o Sri Srikant Mandal, resident of Village- Heth Ambakura, P.O.- Naya Chitkath Rikhiya, P.S.-Mohanpur, District- Deoghar (Jharkhand)

**.....Petitioner**

**Versus**

1. The State of Jharkhand through the Chief Secretary, Govt. of Jharkhand, Ranchi, Project Building, Dhurwa, P.O. and P.S.-Dhurwa, District- Ranchi (Jharkhand)
2. The Secretary, Department of Social Welfare, Government of Jharkhand, Ranchi, Project Building, Dhurwa, P.O. and P.S-Dhurwa, District- Ranchi (Jharkhand).
3. The Director, Social Welfare, Jharkhand, Ranchi, Social Welfare Directorate, Near Gol Chakkar, Dhurwa, P.O. and P.S.- Dhurwa, District-Ranchi (Jharkhand).
4. The Deputy Commissioner, Deoghar, P.O., P.S. and District-Deoghar (Jharkhand)
5. The Deputy Development Commissioner, Deoghar, P.O., P.S. and District-Deoghar (Jharkhand)
6. The District Social Welfare Officer, Deoghar, P.O., P.S. and District-Deoghar (Jharkhand)
7. The Child Development Project Officer, Mohanpur, P.O. and P.S.-Mohanpur, District- Deoghar (Jharkhand)
8. Smt. Rupa Kumari, W/o Sri Ashok Yadav, resident of Village-Heth Ambakura, P.O. Rikhiya, P.S. Mohanpur, District-Deoghar (Jharkhand)

**...Respondents**

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**CORAM**: **HON'BLE MR. JUSTICE DEEPAK ROSHAN**

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For the Petitioner : Mr. Anjani Kumr Verma, Advocate
M/s. Amit Kumar Verma, Arvind Prakash Malakar, Advocates

For the Resp.-State : Mr. Sarvendra Kumar, A.C to S.C(L&C)-III

For the Resp. No. 8 : Mr. Gautam Kumar, Advocate
Mr. Birat Kumar, Advocate

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**14/30.04.2025** Heard learned counsel for the parties.

**2.** The instant writ application was initially preferred by the petitioner for the following reliefs:

> **(i)** *For quashing of the Memo No. 81 dated 11.2.2014 (Annexure-6) issued by the D.D.C., Deoghar (Respondent No. 5), by which the petitioner who is working as Anganbari Sevika of Heth Ambakura Anganbari Centre under Mohanpur Block in the district of Deoghar since May' 1986 i.e. since last more than 27 years continuously has been*

*terminated from service and that too without having jurisdiction to pass such an order as per the settled principle of law laid down vide order dated 30.01.2008 (Annexure-7) passed in W.P.(S) No. 4061 of 2006 [Nilima Mandal Kumari Vrs. The State of Jharkhand and others] as well as vide order dated 17.12.2012 (Annexure-8) passed in W.P.(S) No. 4073 of 2009 [Urmila Devi Vrs. The State of Jharkhand and others] by this Court and to reinstate the petitioner on the post of Anganwari Sevika with all consequential benefits etc.*

**3.** Thereafter, an Interlocutory Application being I.A. No. 4927 of 2023 was filed praying for amendment in the prayer portion in view of the fact that one Smt. Rupa Kumari was appointed as Anganbari Sevika in place of the petitioner vide Memo no. 250 dated 19.02.2015 and Memo no. 78 dated 28.02.2015 (Annexure-11 & 11/A) issued by the 5th and 7th Respondents respectively. The said I.A. was allowed by the order passed by this Court and an amended writ application was filed adding the following prayer:

**(ii)** *For quashing of Memo No. 250 dated 19.02.2015 and Memo No. 78 dated 28.02.2015 (Annexure-11 and 11/A) issued by the Respondent Nos. 5 and 7 respectively, by which Smt. Rupa Kumari has been appointed as Anganwari Sewika in place of the petitioner in most illegal and arbitrary manner during the pendency of writ application before this Hon'ble Court and that too in gross violation of Govt. Circular No. 585 dated 02.06.2006 issued by the Secretary, Social Welfare Deptt., Jharkhand (Respondent No. 1); as such the appointment of said Smit. Rupa Kumari is ab-initio void and illegal.*

**4.** The brief facts of the case as per the pleadings are that the petitioner was selected by the General Meeting of the villagers in the Aam Sabha on the post of Anganbari Sevika of Heth Ambakura Anganbari Centre in Mohanpur Block in the district of Deoghar *vide* Letter no. 31 dated 26.05.1986 issued by the 7th Respondent and pursuant to that, the petitioner was serving on the said post. Subsequently, pursuant to the Government provision the petitioner was sent for training in Aanganbari Training

Centre, Kishore Dal, Madhupur Branch, Madhupur, Deoghar.

**5.** However, all of a sudden in the year 2013 a letter being no. 173 dated 04.10.2013 was issued by the 7th Respondent by giving reference of another letter dated 13.09.2013 issued by the 5th Respondent and the petitioner was asked to show-cause alleging therein that as per the complaint sent by Ward Member, namely, one Amar Nath Paswan and one Smt. Kalawati Devi to the effect that the petitioner is residing outside the village Heth Ambakura, where the Anganwari Centre is situated.

Pursuant to the said letter, the petitioner submitted her reply on 11.10.2013 refuting the allegation that she is not resident of any other village and she also submitted the certificate issued by the concerned Mukhiya that she is residing in the village Heth Ambakura, where the Anganwari Centre is situated.

In the said letter, the petitioner also said that the complainants are the representatives of another ward having no relation with Ward No. 2, where the Aanganwari Centre is situated.

**6.** The specific case of the petitioner is that the said reply dated 11.10.2013 was handed over to the 7th Respondent, who has duly received the same and the petitioner was asked to run the said Anganwari Centre as usual. Thereafter, again *vide* Letter no. 45 dated 22.01.2014, the 5th Respondent issued a show-cause against the petitioner indication similar allegation which was asked by first show cause notice. The petitioner again submitted her reply refuting the allegation. Thereafter, without any hearing, the petitioner was terminated vide letter issued under Memo No. 81 dated 11.02.2014 from the post of Anganwari Sevika.

**7.** Learned counsel for the petitioner submits that the reply filed by the petitioner was never considered. He further draws attention of this Court towards several documents and the certificates issued by the Mukhiya of Village-Heth Ambakura that the petitioner was resident of the same village, but for the reasons best known to the respondent, only on the basis of complaint made by the 3rd Party and one Ward Member, who were residents of other village she was terminated; as such, the impugned order of termination is bad in law and the same is fit to be quashed and set aside.

**8.** Learned counsel for the Respondent-State supported the impugned order and submits that the petitioner never replied to the show-cause notice and the impugned order is well in order.

Leaned counsel further submits that the Lady Supervisor, Mohanpur submitted a report to C.D.P.O, Mohanpur on 26.10.2013 stating therein that the petitioner resides outside the centre and never opened the centre properly and in this regard, a direction was given to her to operate the centre properly.

Learned counsel for the respondent has further relied upon Paras 9 & 10 of their counter affidavit dated 23.12.2014, which are extracted hereinbelow:

> *"**9.** That in reply to statements made in paragraphs 7 to 9 of the instant writ petition the answering respondent say and submit that the respondent no. 5 has rightly issued show cause notice to the writ petitioner vide letter no. 45, which is the official acts of the office of respondent no. 6 and, therefore needs no comments.*
> ***10**. That in reply to the contention made in para-9 of the instant writ petition under reply the answering respondents say and submit that the entire bogus plea advanced by the writ petitioner in her show cause was found baseless, absurd and imaginary and the explanation shown therein was found false and imaginary and, therefore, the show cause annexure-5 was not reliable, not accepted."*

**9.** Learned counsel for the private respondent submits that since the private respondent was appointed as per order of Respondent-State and she is doing her job as per the direction and it is the State Authority, who has to defend the impugned order.

**10.** Heard learned counsel for the parties and perused the documents available on record and the averments made in the respective affidavits.

From bare perusal of the impugned order issued by the 5th respondent, it appears that the petitioner had not filed any reply to show cause. For brevity relevant portion of the impugned order is quoted hereinbelow:-

> "उक्त शिकायत पत्र के आलोक में इस कार्यालय के पत्रांक-45/गो० दिनांक-22.01.2014 द्वारा स्पष्टीकरण पृच्छा की गयी एवं इस कार्यालय के पत्रांक-62/गो० दिनांक 30.01.2014 द्वारा स्मारित कर स्पष्टीकरण पृच्छा की मांग की गयी। परन्तु आज तक उनके द्वारा स्पष्टीकरण का जवाब नहीं दिया गया है।
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> **2.** पूर्व में भी सेविका के क्रियाकलाप के विरुद्ध उनसे जब स्पष्टीकरण की पृच्छा की गयी थी तो उन्होंने अपने बचाव में ग्रामीणों का फर्जी हस्ताक्षर के साथ प्रत्युत्तर प्रस्तुत किया, जो स्पष्टतः धोखाधड़ी का प्रत्यक्ष प्रमाण है।"

However, from bare perusal of Annexure-5, which is reply to show cause notice, it appears that the petitioner had submitted a detail reply.

**11.** Further, after going through paragraph-10 of the counter-affidavit dated 23.12.2014 filed by the respondent nos. 4, 5, 6 and 7, specific statement has been made that the reply filed by the petitioner was baseless, absurd and imaginary and the explanation shown therein was found false and imaginary and, therefore, the reply to show cause (Annexure-5) was not reliable and hence, not accepted. This averment made in Paragraph-10 is evidently contrary to the grounds mentioned in the impugned order.

**12.** When the reply to the show cause notice was duly filed by the petitioner, the Government Official was duty bound to deal with the contention raised by the petitioner; on the contrary, the competent authority i.e. the 5th respondent passed the impugned order in haste and without verifying the record that the show-cause reply was well filed by the petitioner.

Further, the certificate issued by the Mukhiya of Village-Heth Ambakura that the petitioner was resident of the same village, the respondents should not have terminated the petitioner without hearing her and without verifying the contents of the complaint made by the Ware Member of another village. Accordingly, the impugned orders require interference.

**13.** Accordingly, Memo No. 81 dated 11.2.2014 (Annexure-6) issued by the D.D.C., Deoghar (Respondent No. 5) and Memo No. 250 dated 19.02.2015 and Memo No. 78 dated 28.02.2015 (Annexure-11 and 11/A) issued by the Respondent Nos. 5 and 7, are hereby, quashed and set aside.

**14.** The Respondent-State is directed to reinstate the petitioner on the post of Aanganwari Sewika within a period of 2 weeks from the date of receipt/production of a copy of this order.

**15.** As a result, the instant writ application stands allowed. Pending I.A(s), if any, stands disposed of.

**(Deepak Roshan, J.)**

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