

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

WP(C) No. 853 of 2022

Sajina

.....*Petitioner/s*

- Versus –
State of Manipur & Anr.

.... *Respondent/s*

BEFORE
HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

30.01.2023

[1] Heard Mr. S. Jibon, learned counsel appearing for the petitioner and Mr. A. Vashum, learned Government Advocate appearing for the respondents.

[2] The case of the petitioner is that she was initially appointed as Anganwadi Worker by an order dated 09.07.2008 issued by the CDPO, ICDS, Imphal East, Keirao Bitra and pursuant to her appointment she has been discharging her duties to the full satisfaction of the authorities.

[3] Quite surprisingly and out of the blue, the Director (Social Welfare), Government of Manipur, issued an order dated 29.04.2021 thereby terminating the service of the petitioner on the ground that after her marriage the petitioner has migrated to another place and change the place of her residence. The learned counsel appearing for the petitioner vehemently submitted that even after her marriage, the petitioner never change the place of her residence and she is still residing at the same place of residence when she was appointed as Anganwadi Worker and the ground for termination of her service is wrong and unfounded.

[4] The learned counsel further submitted that the said termination order had been issued without giving any notice to the petitioner and without making any enquiry and accordingly, the act of the respondents in terminating her service is arbitrary and unsustainable. The learned counsel appearing for the petitioner further submitted that in a similar case, this Court has passed an order dated 21.02.2022 in WP(C) No. 689 of 2021 and this Court has set aside the termination order in respect of the other person, who had been terminating along with the petitioner, on the ground that the petitioner in the said writ petition did not change her place of residence even after her marriage. The learned counsel accordingly submitted that the present present writ petition may be allowed by granting similar reliefs as has been granted in respect of the petitioner in WP(C) No. 689 of 2021.

[5] Mr. A. Vashum, learned Government Advocate appearing for the respondents placed before this Court a letter dated 24.11.2022 of the Director (Social Welfare), Government of Manipur, addressed to the Deputy Secretary (Social Welfare), Government of Manipur wherein it is stated that the Joint Director (ICDS), conducted spot enquiry/verification on two occasions, first on 07.11.2022 and secondly on 17.11.2022 to find out as to whether the petitioner is still a resident of Keirao Makting Awang Leikai, Imphal East even after her marriage and that on the spot verification, it has been found that the petitioner was residing in Keirao Makting Awang Leikai, Imphal East and that the petitioner has not changed her place of residence even after her marriage. The learned counsel fairly submitted that in view of the said

verification report, appropriate order as deem fit and proper may be passed by this Court.

[6] After hearing the submissions of the learned counsel appearing for the parties and after careful examination of the materials available on record, this Court is of the considered view that the termination of the petitioner on the ground that she has changed her place of residence after her marriage cannot be sustained, inasmuch as, on the spot verification conducted by the concerned officers of the Social Welfare Department, it has been found that the petitioner was still residing at the same place of residence when she was appointed as Anganwadi worker.

[7] In view of the above, I am of the considered view that the order dated 29.04.2022 terminating the service of the petitioner is arbitrary and illegal. Accordingly, the said termination order dated 29.04.2021 is hereby quashed and set aside in respect of the present petitioner.

[8] The respondents are further directed to allow the petitioner to continue as Anganwadi Worker forthwith and also to pay her due honorarium for the period from the date of her termination till the date of her reinstatement. The whole exercise should be completed within a period of two months.

[9] With the aforesaid directions, the present writ petition is hereby disposed of.

JUDGE

Lhaineichong