

GAHC010119222019



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/3619/2019

DIPTI MEDHI
W/O- SAILEN BARMAN, R/O- VILL- BARBHAG, PUB MAJIUPARA, P.S-
PATACHARKUCHI, DIST-BARPETA, ASSAM

VERSUS

THE STATE OF ASSAM AND 2 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM,
SOCIAL WELFARE DEPTT, DISPUR, GUWAHATI- 06

2:THE DIRECTOR
SOCIAL WELFARE DEPTT
UZANBAZAR
GUWAHATI- 01

3:THE CHILD DEVELOPMENT PROJECT OFFICER
BAJALI PATHSALA
DIST- BARPETA
ASSA

Advocate for the Petitioner : MR. S BORA

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 03/05/2023

Heard Mr. S. Bora, learned counsel for the writ petitioner. Also heard Mr. S.S. Roy, learned Government Advocate, Assam, appearing for the State.

On 06/12/2010, the petitioner was informed that she had been selected for appointment as Anganwadi Worker of 212 No. Pub Majiupara Anganwadi Centre in the district of Barpeta. She had joined the said post immediately thereafter. However, while discharging her duties as Anganwadi Worker in the said Anganwadi centre, the petitioner was allegedly kidnapped and kept under confinement, as a result of which, she could not join her duties for a substantial period of time. On her release from confinement, an ejahar was lodged reporting the kidnapping incident, based on which, Patacharkuchi PS case No. 526/2013 pertaining to GR No. 900/2013 was registered against one Narayan Kalita and others under sections 366/344/379/376/506/34 of IPC and the matter was put up before the Court of Sub-Divisional Judicial Magistrate, Bajali, Pathsala.

The petitioner visited the respondent no. 3 and informed him about the aforesaid development with a request to permit her to join in the post of Anganwadi Worker. However, the respondent no. 3 did not allow her to join by stating that she had been placed under suspension. Mr.Bora submits that no such order of suspension has been served upon the petitioner till today nor is there any departmental proceeding drawn against her. Notwithstanding the same, due to the rigid stand of the respondent no. 3, the petitioner has not been permitted to join back as Anganwadi Worker till today resulting in deprivation from salary and other service benefits. Hence, this writ petition.

Taking note of the plea raised by the petitioner, this Court, by order dated 21/04/2023, had granted last chance to the departmental authorities to file affidavit. However, today also, when the matter was called up, the learned Government Advocate has prayed for more time to file affidavit. In view of the order dated 21/04/2023, this Court is not inclined to grant any further time to the respondents to file affidavit.

After taking note of the grievance expressed by the petitioner and considering the facts and circumstances of the case in its entirety, this matter is remanded to the respondent no. 2 i.e. the Director of Social Welfare Department, Uzan Bazar, Guwahati, to look into the grievance of the petitioner and pass appropriate order therein after taking note of the facts and circumstances of the case.

It is made clear that if there is no formal order of suspension or termination of service issued to the petitioner by following the due process of law, she shall be allowed to join in the post of Anganwadi Worker as per her appointment order dated 06/12/2010 and allowed to continue in service in the said post until such time, any contrary order is passed against her by following the due process

of law.

The aforesaid exercise be carried out and completed within a period of 4 (four) weeks from the date of receipt of certified copy of this order.

With the above observation, the writ petition stands disposed of.

JUDGE

sukhamay

Comparing Assistant