

GAHC010212312022



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

Case No. : WP(C)/7432/2022

BASANTI DEKA

D/O. LT. SONARAM DEKA, VILL. MAJARKURI (RAMDIA), P.O. MAJARKURI,
P.S. HAJO, DIST. KAMRUP (R), ASSAM, PIN-781102.

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE COMM. AND SECY., SOCIAL WELFARE DEPTT., DISPUR,
GUWAHATI-781006.

2:THE DIRECTOR OF SOCIAL WELFARE

ASSAM
UZANBAZAR
GUWAHATI
PIN-781001.

3:THE DISTRICT SOCIAL WELFARE OFFICER

KAMRUP (R)
AMINGAON
PIN-781031.

4:THE CHILD DEVELOPMENT PROJECT OFFICER

HAJO INTEGRATED CHILD DEVELOPMENT PROJECT AT HAJO
P.O.. AND P.S. HAJO
KAMRUP (R)
PIN-781102

Advocate for the Petitioner : MR. S CHAUHAN

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 10.02.2023

None appears for the petitioner on call.

Heard Ms. M. D. Borah, the learned counsel appearing on behalf of the respondent Nos. 1 to 4.

This Court vide an order dated 25.01.2023 had issued notice making it returnable today. Vide the said order, this Court had also sought for the instructions from the learned counsel for the respondents as to why the petitioner has not been paid the salary since January, 2021.

From a perusal of the writ petition, it appears that the case of the petitioner is that the petitioner has not been paid her salary since January, 2021 and the respondent No.4 is making an attempt to replace the petitioner and as such has sought for a direction upon the respondent No.4 not to replace the petitioner from her post and also directed the respondent No.4 to pay her remaining fixed pay of Anganwadi Worker since January, 2021 till date.

Ms. M. D. Borah, the learned counsel appearing on behalf of the respondent Nos. 1 to 4 has drawn the attention to the order dated 01.03.2014 and more particularly to the vernacular version of the said order. She submits that the vernacular version of the order dated 01.03.2014 would show that the petitioner was only asked temporarily to look after the Anganwadi Centre. She also submitted that however in the translated English copy, it was wrongly

shown that the petitioner was temporarily promoted.

Further to that, the learned counsel has also drawn the attention of this Court that the petitioner herein has misled this Court by not placing on record that vide an order dated 02.02.2021, the petitioner has already been terminated. It is under such circumstances, the petitioner has not been paid the salary after January, 2021.

Upon hearing the learned counsel for the respondents and also perusing the vernacular version of the order dated 01.03.2014 as well as the termination order dated 02.02.2021, this Court is of the opinion that the instant writ petition is not only meritless but also liable to be dismissed on account of suppression of material facts. This Court being a Court of equity, the petitioner ought to have approach this Court with clean hands. The fact that the petitioner has already been terminated as on 02.02.2021 is a material fact which has been suppressed. In view of the Termination order dated 02.02.2021, the question of directing the respondent authorities to make payment to the petitioner of any salary or for passing any directions not to replace the petitioner do not arise. This Court reprimands the conduct of the petitioner.

Accordingly, on merits as well as on the ground of suppression of materials facts, the instant writ petition stands dismissed.

The records so produced by Ms. M. D. Borah is kept on record and marked with the letter "X".

JUDGE

Comparing Assistant