

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.106 of 2024

Smt. Aparna Datta (Patari)

W/o Shri Ajit Patari, resident of village Ramendra Nagar, Madhya Para, P.O. Chalitachari, Sabroom, South Tripura, Tripura-799145.

....Petitioner(s)

Versus

1. The State of Tripura

Represented by the Secretary, Social Welfare and Social Education, Government of Tripura, Secretariat Building, New Capital Complex, Agartala, West Tripura- 799010.

2. The Director

Social Welfare and Social Education Department, Government of Tripura, Ujjan Abhoynagar, P.O. Abhoynagar, Agartala, West Tripura-799005.

3. The District Programme Officer (South)

SW & SE Department, Belonia, South Tripura, PIN-799155.

4. The Child Development Project Officer,

Satchand ICDS Project, P.O.- Satchand, South Tripura, Pin-799143.

....Respondent(s)

For Petitioner(s) : Mr. D. Bhattacharya, Sr. Advocate
Mr. Samar Das, Advocate
Mr. S. Saha, Advocate

For Respondent(s) : Mr. P. Gautam, Sr. G.A

Date of hearing &
Delivery of Judgment & Order : **16/12/2024**

Whether fit for reporting : **Yes**

HON'BLE MR. JUSTICE ARINDAM LODH

JUDGMENT & ORDER (ORAL)

Heard Mr. D. Bhattacharya, learned senior counsel assisted by Mr. S. Saha, learned counsel appearing for the petitioner. Also heard Mr. P. Gautam, learned senior G.A appearing for the State-respondents.

2. It is the case of the petitioner that under communication dated 16.01.2020 issued by the Child Development Project Officer, Satchand ICDS Project, South Tripura, she was given engagement on temporary basis. On the basis of said letter of engagement, she joined as Anganwadi Worker/Helper at Purba Para AWC under Child Development Project

Officer, Satchand ICDS Project, South Tripura on 01.02.2020. Thereafter, vide letter dated 16.03.2020 issued by the Child Development Project Officer, the engagement of the petitioner was terminated on the ground that she had misled or deceived the office by misrepresenting the fact in respect of place of her residence.

3. Challenging the termination order dated 16.03.2020, the petitioner has filed the instant writ petition praying for setting aside the same. For convenience, the termination order dated 16.03.2020 is reproduced here-in-below, *in extenso*:-

“GOVERNMENT OF TRIPURA
OFFICE OF THE CHILD DEVELOPMENT PROJECT OFFICER
SATCHAND ICDS PROJECT, SOUTH TRIPURA

No. F.3(8)-ICDS/SAT/2018/1151(3)

Dated, Satchand 16/03/2020

To
Smt Aparna Datta (Patari)
W/O Ajit Patari

According to the report of the enquiry team constituted vide Memo No No. F.3(8)-ICDS/SAT/2018/949(7) dated 11/02/2020, it has been established that you have misrepresented facts regarding your residence in your application for recruitment to the post of Anganwadi Worker during the Interview of AWW/AWH undertaken by the office of the undersigned vide advertisement memo No F.3(8)-ICDS/STC/2013-14/1184(25) dated 12/02/2019 by submitting documentation aimed to mislead or deceive the office, and that you were not a resident of 'Indiranagar GP at the time of the interview.

The engagement letter explicitly mentions that 'any kind of misrepresentation as to the applicant's age, marital status, place of residence, qualification etc' shall be grounds for termination without any explanation.

So, in view of the above findings and no evidence to prove the contrary, your candidature for the post of Anganwadi Worker has been deemed as invalid & accordingly your prayer for joining is hereby not accepted by this office and your engagement as Anganwadi Worker vide Memo No F.3(8)/ICDS/SAT/2017/742 dated 16/01/2020 is hereby terminated as per the terms of your engagement.

Sd/-
Shyam SOUHARDYA CHAKRABORTY
CHILD DEVELOPMENT PROJECT OFFICER
SATCHAND ICDS PROJECT”

4. On bare perusal of the said termination order dated 16.03.2020, *prima facie*, it appears that the Child Development Project Officer having gone through the report of the enquiry team, came to the conclusion that the petitioner had misrepresented the place of her residence in her application, submitted at the time of interview.

5. Learned counsel for the petitioner has submitted that the respondents without giving the petitioner any opportunity, most arbitrarily and unilaterally cancelled the engagement of the petitioner on the ground of misrepresenting/misleading the status of her residence.

6. On the other hand, Mr. Gautam, learned senior G.A appearing for the State-respondents has submitted that the petitioner is a resident of Sabroom and not a resident of Indiranagar and further the eligibility criteria prescribed in the revised guideline for engagement of Anganwadi Worker/Helper does not permit her to be engaged as Anganwadi Worker/Helper.

7. I have gone through the records and also considered the submissions of learned counsel appearing for the parties.

8. Taking into account the factual background and the context of the case at hand, following points fall for determination:

(i) *Whether Anganwadi Workers hold civil post?*

(ii) *If a person does not hold civil post can claim the protection of Article 31(2) of the Constitution of India?*

8.1. It appears that the Central Government has introduced a scheme known as Integrated Child Development Scheme (ICDS Programme). The said programme/scheme is funded by the Central Government. Its

applicability and implementation, however, has been shouldered upon the respective States. The Anganwadi Workers (for short, 'AWWs') and Anganwadi Helpers (for short, 'AWHs') are appointed from amongst the local inhabitants, i.e. the place where the Anganwadi center is situated. The Anganwadies were established at village or ward level. Thus, these are to be run by AWWs or AWHs, and as per the scheme their engagements are made to run various services at village or ward level. The selection of such Anganwadi Workers or Helpers is to be made by a committee of officials and non-officials at the project level. AWWs and AWHs do not hold any statutory post under the State Government. Such workers are not engaged in line of any recruitment rules framed under Article 309 of Constitution of India. No selection process for appointment of AWWs and AWHs exists within the Constitution scheme. They are engaged under the scheme, and provision for honorarium was made for AWWs and AWHs. All the posts are created in terms of the scheme on year to year basis. The objectives of the said scheme are as under:

- “(i) To improve the nutritional and health status of children in the age group 0-6 years;*
- (ii). To lay the foundation for proper psychological, physical and social development of the child;*
- (iii). To reduce the incidence of mortality, morbidity, malnutrition and school drop out.*
- (iv). To enhance the capability of the mother to look after the normal health and nutritional needs of the child through proper nutrition and health education.”*

9. Furthermore, having gone through the definition of workmen as defined under Section 2(s) of the Industrial Disputes Act, 1947, in my opinion, the AWWs/AWHs do not come within the meaning of the definition of Section 2(s) of the Industrial Disputes Act, 1947. Similarly,

wages paid to such Anganwadi Workers/Helpers do not come within the purview of Section 2 of Payment of Gratuity Act and the remuneration paid to the Anganwadi Workers/Helpers can be said to merely honorarium/stipend. Added to it, Anganwadi Workers/Helpers working under the ICDS Programme/Scheme cannot be said to be “employee” as per Section 2(e) of the Payment of Gratuity Act since ICDS scheme/project cannot be said to be industry. The post ‘Anganwadi Workers’ are not a statutory post having created in terms of the scheme. It is one thing to say that there exists a relation between an employer and employee by and between the State and Anganwadi Workers, but, it is another thing to say that they are holders of the civil post. While observed thus, the Supreme Court categorically held that there cannot be any slightest doubt that Anganwadi Workers/Helpers play an extremely important role in their respective villages. Here, I may profitably re-produce some of the observations made by the Hon’ble Supreme Court in ***State of Karnataka and Ors. vs. Ameerbi and Ors.*** reported in (2007) 11 SCC 681 at para Nos.28, 29, 31, 32, 33, 34, 35, 36, 38 and 39:-

“28. However, rules framed under proviso to Article 309 of the Constitution of India are not attracted in the case of the respondents. They are appointed under a scheme which is not of a permanent nature, although might have continued for a long time.

29. Appointments made under a scheme and recruitment process being carried out through a committee, in our opinion, would not render the incumbents thereof holders of civil post. Our attention has not been drawn to any rule or regulation governing the mode of their recruitment. Some statements in this behalf have been made by the interveners but for the reasons stated hereinbefore, we cannot enter thereinto. A distinction must be made about a post created by the Central Government or the State Governments in exercise of their power under Articles 77 or 162 of the Constitution of India or under a statute vis-à-vis cases of this nature which are sui generis. Terms and

conditions of services of an employee may be referable to Acts of appropriate legislature. The matter may also come within the purview of Article 309 of the Constitution of India as proviso appended thereto confers power upon the President or the Governor of a State or other authority, who may be delegated with such power, to make rules during the interregnum.

31. One of the questions which was raised before us was in regard to the right of an anganwadi worker to contest an election. They are indisputably free to do so. A holder of a civil post may not be entitled thereto.

32. In *Satrucharla Chandrasekhar Raju v. Vyricherla Pradeep Kumar Dev* [(1992) 4 SCC 404] this Court while considering the provisions of Article 191(1)(a) of the Constitution of India in relation to the posts held by the employees of an Integrated Tribal Development Agency opined that their employees would not be holder of an office of profit although the State exercises control thereover holding: (SCC pp. 427-28, para 28)

“28. It is also necessary to bear in mind that the Government is undertaking several projects and activities including commercial activities through the corporations and local bodies exercising some control over such corporations or bodies. In that view of the matter they may come within the meaning of the ‘State’ envisaged in Article 12 but that may not be a decisive factor in deciding the issue. As a matter of fact, Section 10 of the Representation of the People Act as well as Article 58(2) of the Constitution of India do indicate that all persons employed in such undertakings, corporations or local bodies cannot be deemed to suffer disqualification for contesting the elections except to the extent indicated therein. This aspect also has been considered in some of the abovementioned decisions. If a strict and narrow construction is to be applied that amounts to shutting off many prominent and other eligible persons to contest the elections which forms the fundamental basis for the democratic set-up. Therefore several factors as indicated above depending upon the facts of each case have to be taken into consideration in deciding whether a particular person is disqualified by virtue of his holding an office of profit before concluding that such an office is under the Government.”

33. The decision, therefore, is an authority for the proposition that those employees who come within the meaning of Article 12 of the Constitution of India are not necessarily government servants. A fortiori the State in terms of a scheme may exercise control over a section of the persons working but thereby only, they do not become entitled to protection under Article 311 of the Constitution of India.

34. Reference to the provisions of the Minimum Wages Act, in our opinion, is also not apposite. The said Act is applicable to the

workmen working in the industries specified therein. It is not the case of the respondents that the icds Programme would constitute an “industry” or *anganwadi* workers are industrial workmen. There cannot be any doubt whatsoever that it is one thing to say that the State would be liable to pay minimum wages irrespective of its financial constraints but it is another thing to say that as to whether such a claim can be raised in respect of those who are working under a project. It is not a case where the concept of minimum wage, living wage or fair wage can be brought in service.

35. Different tests applied even for determining the relationship of employer and employee have recently been noticed by this Court in *District Rehabilitation Officer v. Jay Kishore Maity* [(2006) 12 SCC 380 : (2007) 1 SCC (L&S) 953 : (2006) 11 Scale 545] . In that case, in almost similar project, the employees appointed by the District Rehabilitation Centre claimed themselves to be the Central Government employees. Each case, therefore, has to be considered on its own merits.

36. This Court cannot determine a *lis* only on sympathy.

38. It is also not a case where the doctrine of parity of employment can be invoked. It is true that nomenclature of a term of payment is not decisive but the substance is as was held in *Jaya Bachchan v. Union of India* [(2006) 5 SCC 266] but the question has to be determined having regard to the issue involved. We are concerned herein with only one question viz. whether the respondents are holders of any civil post. We are, having regard to the materials on record, of the view that they are not.

39. Keeping in view the facts and circumstances of this case, we are of the opinion that the Tribunal has no jurisdiction to entertain the application. The appeals are allowed accordingly. No costs.”

9.1. On bare perusal of the analysis made by the Supreme Court in *Ameerbi (supra)*, it is crystal clear that Anganwadi Workers do not hold any statutory post under the statute, though a relationship of an employer and employee exists. In the context, an example given is of the entitlement of the Anganwadi Workers to contest an election which an employee/holder of civil post may not be entitled to [Ref: Para 31]. Placing reliance being placed upon the case of ***Satrucharla Chandrasekhar Raju vs. Vyricherla Pradeep Kumar Dev*** [(1992) 4 SCC 404] Hon’ble Supreme Court observed that the

employees who come within the meaning of Article 12 of the Constitution of India are not necessarily Government Servants. Even the reference to the provisions of Minimum Wages Act, 1948 has been held to be not apposite as the same applies to workmen working in the industries. The ICDS scheme would not constitute an industry nor the Anganwadi Workers as industrial workmen, as I said earlier. Thus, the case of **Ameerbi (supra)** is squarely covered to the facts and the question raised while deciding the present writ petition.

9.2. The question as regards the status of AWWs and AWHs was posed before the Hon'ble Supreme Court in **Ameerbi (supra)**. In the said case also, Anganwadi workers were appointed under the same ICDS Scheme/project/programme who had filed an application under Section 15 of the Administrative Tribunals Act, 1985. While dealing with the question of maintainability, the Supreme Court held that the post of Anganwadi Workers was not a statutory post and their selection/recruitment process was not governed by the Constitution or any statute and thus the application was not maintainable. Hon'ble Apex Court specifically held that ICDS programme would neither constitute an "industry" nor Anganwadi Workers are "industrial workmen".

10. This Court while dealing with a similar question and concept of civil post in the case of **Sri Biswajit Nandi vs. Sri Ratan Das and 4 Ors.**

[WA No.174 of 2022] held as under:-

"12. In a similar matter, one of the learned Single Judge of this Bench (A. Lodh, J), while disposing the case of **Sri Shyamapada Pal(supra)** observed that "It is settled proposition of law that a person having not held civil post cannot seek mandamus or the court cannot exercise its discretionary and extra-ordinary jurisdiction, as enshrined under Article 226 of

the Constitution of India. The petitioner may claim compensation in an appropriate forum, if he feels that illegalities have been committed towards him by the respondents.”

13. It is no longer *res integra* that in the context of Articles 309, 310 and 311, a post denotes an office. A person who holds a civil post under a State holds “office” during the pleasure of the Governor of the State, except as expressly provided by the Constitution. A post under the State is an office or a position to which duties in connection with the affairs of the State are attached, an office or a position to which a person is appointed and which may exist apart from and independently of the holder of the post. Again, a post is an employment, but every employment is not a post. A casual labourer is not the holder of a post. A post under the State means a post under the administrative control of the State. [Ref: **The State of Assam and Ors. vs. Kanak Chandra Dutta, AIR 1967 SC 884(Five-Judge Bench)**]”

11. The status of such Anganwadi Workers who are appointed under the ICDS Programme/project has been considered by the Hon'ble Supreme Court in the case of **Ameerbi (supra)**. Considering the object and purpose of scheme/project and staff pattern for ICDS Project the Hon'ble Supreme Court held that the Anganwadi Workers do not hold civil post.

12. I have also seriously considered the expressions and views of a Division Bench of the Hon'ble Supreme Court [comprising of Mr. Justice Ajay Rastogi, J. (Retd.) and Abhay S. Oka, J.] in the case of **Maniben Maganbhai Bhariya v. District Development Officer Dahod and Ors.**, reported in **2022 SCC OnLine SC 507**. I am trying to reconcile the issues raised in the cases of **Ameerbi (supra)** and **Maniben Maganbhai Bhariya (supra)**.

13. The case of **Maniben Maganbhai Bhariya (supra)**, which is a later decision of the Supreme Court, deals with the entitlement of the benefit of gratuity of Anganwadi workers/Helpers (for short, ‘AWWs/AWHs’)

under the Payment of Gratuity Act, 1972 vis-à-vis, the Government of the State of Gujarat resolution dated 25.11.2019 dealing with the issue of extending the benefit of gratuity to the AWWs/AWHs. The Supreme Court in the case of ***Maniben Maganbhai Bhariya (supra)*** held that to achieve the object of Payment of Gratuity Act, 1972, hereinafter referred to as ('Act, 1972) and the Gujarat Government resolution dated 25.11.2019, the AWWs/AWHs are entitled to gratuity since it comes within the definition of 'establishment' as emphasized under sub-Section(2) of Section 4 of the Act, 1972. To resolve the issue raised in ***Maniben Maganbhai Bhariya (supra)***, the Supreme court held that Gujarat Government in its resolution dated 25.11.2019 categorically lays down exhaustive provisions regarding selection criteria, duties, disciplinary action, rules, etc. in respect of AWWs and AWHs and in fact, under the resolution, the Gujarat Government has framed the 'Anganwadi worker/helper [Selection Criteria, Honorary Service, Review and Discipline (rules)]'. To say it otherwise, the Supreme Court in the case of ***Maniben Maganbhai Bhariya (supra)*** held that the Gujarat Government has come up with a statutory rule to govern the recruitment and service conduct of the AWWs/AWHs. The relevant paragraph of the judgment of ***Maniben Maganbhai Bhariya (supra)*** may be reproduced hereunder, for convenience, in *extenso*:

“67. Now, coming to the State of Gujarat, the Government Resolution dated 25th November, 2019 (Annexure A-1 of IA no.161608 of 2021) lays down exhaustive provisions regarding selection criteria, duties, disciplinary action, rules, etc. in respect of AWWs and AWHs. In fact, by the said Resolution, the State Government has framed the Anganwadi Worker/Helper (Selection Criteria, Honorary Service, Review and Discipline) Rules (for short “the said Rules”). Duties of

AWWs and AWHs have been laid down in Appendix-1 to the Government Resolution. ”

14. Having taken note of the case of ***Ameerbi (supra)***, the Supreme Court in ***Maniben Maganbhai Bhariya (supra)*** has observed that in the case of ***Ameerbi (supra)***, the court dealt with the issues whether AWWs and AWHs hold civil post and whether the original applications filed by AWWs before the State Tribunal establishment under the Administrative Tribunals Act, 1985 were maintainable, where it was held that the post of AWWs was not statutory post and the same has been created in terms of ICDS. Therefore, there was no relationship of employer and employee between the State Government and the AWWs. In the case of ***Maniben Maganbhai Bhariya (supra)***, the Supreme Court did not disturb the legal principle laid down in the case of ***Ameerbi (supra)*** that the AWWs/AWHs do not hold civil post and as such, their services are not protected by Article 311 of the Constitution of India.

15. Further, the Supreme Court in the case of ***Maniben Maganbhai Bhariya (supra)*** declared the Anganwadi centres as “establishment” considering the fact that Anganwadi centres are performing the statutory duty of implementing provisions of Sections 4, 5 and 6 of the National Food Security Act, 2013 (for short, ‘the Act of 2013’). The Division Bench of the Supreme Court ultimately held that since the issues raised in both the cases are different, the legal principle and the decision of the Supreme Court in ***Ameerbi (supra)*** have no bearing in the issue involved in ***Maniben Maganbhai Bhariya (supra)***. Having held so, the Division Bench of the Supreme Court in ***Maniben Maganbhai Bhariya (supra)*** held that considering that Anganwadi centres come under the purview of the

definition of 'establishment' under the Payment of Gratuity Act, AWWs/AWHs are entitled to payment of gratuity.

16. On reconciliation of the issues raised in the cases of **Maniben Maganbhai Bhariya (supra)** and **Ameerbi (supra)**, I find that Government of Tripura has not framed any rules governing the recruitment and service conduct of the AWWs/AWHs. In the case at hand, the issue raised does not relate to extending the benefit of gratuity to the AWWs/AWHs. Here, the engagement of the petitioner as an Anganwadi was terminated on the ground that she had misled or deceived the office by way of misrepresenting the fact. By means of filing the instant writ petition, the petitioner sought for a protection under Article 311 of the Constitution, which is available to a person employed to any civil service of the State or to holders of any civil post under the State. Having found that AWWs/AWHs do not hold civil post, the learned Central Administrative Tribunal (for short, 'CAT') held that the writ petition filed by **Ameerbi (supra)** was not maintainable, which was affirmed ultimately by Supreme Court. In the instant case also, the petitioner being an Anganwadi worker has approached this court under Article 226 of the Constitution of India claiming protection under Article 311 of the Constitution. I have already held that since AWWs/AWHs do not hold civil post and there is no direct relation between the petitioner and the State, the instant writ petition is not maintainable.

17. According to me, it would not be wise to lose sight of the nature of employment of Anganwadi Workers/Helpers as their employment is made in terms of the ICDS scheme/project/programme. The conditionalities of their employments are to be governed by the said ICDS

scheme. No regular pay scale is prescribed for AWWs/AWHs since the Government of India while framing the scheme was very clear that they are required to provide part-time assistance. Working hours also are different from a daily wager. As a matter of re-iteration, no educational qualification is also required to get employed as either Anganwadi Worker or Helper. Thus, the modes of providing honorarium/stipend to the Anganwadi Workers/Helpers cannot be faulted. To conclude, I, in no manner, want to disregard the valuable service/assistance extended by such Anganwadi Workers/Helpers to the system. Thus, the question that was formulated for determination in the present writ petition is answered that the Anganwadi Workers/Helpers are not holders of any civil post.

18. Another important feature in the instant writ petition is that the engagement of the writ petitioner does not prescribe any definite rate of pay, which is one of the essential components for a post in any service as also held by the Hon'ble Apex Court. There is no exhaustive recruitment rule framed by the Government of Tripura to recruit the AWWs/AWHs. Recruitment rules ordinarily applicable to the employees of the State are not applicable in the case of Anganwadi workers. The State is not required to comply with the constitutional scheme of equality as adumbrated under Articles 14 and 16 of the Constitution of India. No process of selection for the purpose of their appointment within the constitutional scheme exists alike the case of **Maniben Maganbhai Bhariya (supra)** as narrated here-in-above.

19. Coming to the prayers made in the present writ petition, the petitioner has been terminated for suppression of her actual place of

residence. However, according to the petitioner she was not given a reasonable opportunity to represent her case. In the opinion of this Court, suppression of material information and/or giving false information will not entail a person to take the plea of violation of principles of natural justice. It is also settled proposition that if an appointment/engagement is procured by fraudulent means, the incumbent may be terminated without holding any enquiry, however, it is also equally true that in case an employee is confirmed, holding a civil post and has protection under Article 311(2) of the Constitution of India, due enquiry has to be held before terminating the service of such employee. In the instant case, it is already held that AWWs/AWHs being not the holders of civil post, their services are not protected under Article 311(2) of the Constitution of India. Applying the aforesaid principle, challenge of the petitioner that her engagement was terminated without a full-fledged enquiry is not tenable in law, though in the instant case, her engagement was terminated after an enquiry made by an enquiry team. From the termination order itself, it appears that before issuance of the order of termination dated 16.03.2023, the Child Development Project Officer(CDPO) had made a thorough enquiry through an enquiry team and then came to the conclusion that the petitioner had misrepresented the status of her residence in her application submitted at the time of interview. In this circumstance, in my opinion, the State is not required to comply with the Constitutional scheme of equality as adumbrated under Articles 14 and 16 of the Constitution [**Ref: Ameerbi (supra), pp. 688, 689, para 20**] since the petitioner does not hold any civil post.

20. As it is already held, in the instant case, the petitioner, having not held civil post, cannot seek mandamus or, in other words, cannot ask the court to exercise its discretionary and extra-ordinary jurisdiction as embodied in Article 226 of the Constitution of India.

21. By now it is well established that principles of natural justice cannot be put into a straight jacket formula. Its application will depend upon the fact and circumstances of each case. In the case of **Sohan Lal Gupta & Ors. vs. Asha Devi Gupta & Ors., (2003) 7 SCC 492**, the Hon'ble Supreme Court upon noticing a large number of decisions held thus: (SCC p.506, para 29).

“29. The principles of natural justice, it is trite, cannot be put in a straitjacket formula. In a given case the party should not only be required to show that he did not have a proper notice resulting in violation of principles of natural justice but also to show that he was seriously prejudiced thereby. In Chairman, Board of Mining Examination and Chief Inspector of Mines v. Ramjee [(1977) 2 SCC 256 : 1977 SCC (L&S) 226] this Court held: (SCC p. 262, para 13)

“Natural justice is no unruly horse, no lurking land mine, nor a judicial cure-all. If fairness is shown by the decision-maker to the man proceeded against, the form, features and the fundamentals of such essential processual propriety being conditioned by the facts and circumstances of each situation, no breach of natural justice can be complained of. Unnatural expansion of natural justice, without reference to the administrative realities and other factors of a given case, can be exasperating. We can neither be finical nor fanatical but should be flexible yet firm in this jurisdiction. No man shall be hit below the belt — that is the conscience of the matter.”

(See also Union of India v. Anand Kumar Pandey [(1994) 5 SCC 663 : 1994 SCC (L&S) 1235 : (1994) 28 ATC 165] and R.S. Dass v. Union of India [1986 Supp SCC 617 : (1987) 2 ATC 628] .)”

22. In the case at hand, the Officer concerned had constituted an enquiry team to enquire about the actual place of residence of the petitioner

which she disclosed at the time of interview. The enquiry team after making thorough enquiry furnished the report to the said concerned officer. Only thereafter, the competent authority came to a conclusion that the petitioner suppressed material information about the actual place of her residence. As per the ICDS Scheme, an Anganwadi worker must be a resident of the place where she is to work. In this circumstance, in my opinion, issuance of formal notice would have been an empty formality. The petitioner failed to demonstrate or explain how the non-issuance of formal notice resulted in any prejudice to her.

23. In view of the aforesaid well-weigh principles, I find no merit in the instant writ petition to exercise the Court's discretionary and extraordinary jurisdiction under Article 226 of the Constitution of India. However, the petitioner may file appropriate suit claiming compensation if she is aggrieved of any action/order of the respondents.

24. For the reasons stated and discussed here-in-above, the instant writ petition stands dismissed. However, there shall be no order as to costs.

JUDGE

Rohit

SANJAY
GHOSH
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by SANJAY
GHOSH
Date: 2025.03.18
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