

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C)No. 692 of 2024

Smt. Mukul Rani Debnath, D/O Late Anando Debnath,
Presently residing at:

C/O & House of Sri Dulal Debnath, Vill and P.O - Bagabasha
Bazaar, P.S.-Melagarh, Dist-Sepahijala, Tripura, Pin-799115.

....Petitioner(s)

Versus

1.**The State of Tripura** (represented by its Secretary), Social
Education Department, Govt. of Tripura, Civil Secretariat, P.O. &
P.S.- NCC, Agartala, West Tripura, Pin-799010.

2.**The Director of Social Education**, Siksha Bhavan, Agartala,
West Tripura, Pin-799001.

3.**The CDPO**, Melaghar ICDS Project, Melaghar, Dist.-Sepahijala,
Tripura, Pin-799115.

4.**The Gram Panchayat**, Nalchar R.D. Block, Sepahijala, Tripura,
Pin-799115.

....Respondent(s)

For Petitioner(s) : Mr.P.K.Pal, Sr. Advocate.
Ms.Maitri Majumder, Advocate.
Mr.Saugat Datta, Advocate.

For Respondent(s) : Mr. M.Debbarmma, Addl.GA.

Date of Hearing and : **06.01.2026**
Delivery of Judgment/
Order

Whether fit for reporting:

Yes	No
	✓

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HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

Judgment and Order(Oral)

Heard Ld. Counsel of both sides.

[2] The petitioner was appointed as an Anganwadi
worker under Melaghar ICDS Project, Melaghar in Sepahijala
District w.e.f. 01.01.2008.

[3] According to the petitioner, she was affected by COVID-19 and therefore, had to remain in home in quarantine for 14 days and thereafter, she also underwent certain domestic violences and disturbances in her family, more particularly with her husband and other in-laws and therefore, she could not attend her duty w.e.f 02.08.2020 to 31.08.2020 and on 01.09.2020, when she went to join her duty, she was prevented from joining there.

[4] Thereafter, she preferred WP(C) No.1026 of 2022 before this Court wherein a coordinate bench of this Court disposed of the matter on 10.03.2023 in the following terms:

"5. In view of the above, without expressing any opinion on merits; the present writ petition is disposed of directing the respondents to consider the case of the petitioner more in the light of the legal notice which has been issued on 20.10.2022 and the decision shall be communicated to the petitioner as well as to the lawyer within a period of two months from the date of receipt of the copy of this order. "

[5] As it appears, before approaching the High Court, the petitioner issued a legal notice on 20.10.2022 to the respondents which was not disposed of by them and therefore, above said direction was issued by this Court.

[6] According to the petitioner, even after lapse of 5 months from the date of said order the respondents did not consider the case of the petitioner, rather, they issued another letter dated 04.08.2023 asking her to appear before

respondent No.2 on 11.08.2023 to explain as to why she would not be terminated from the post of Anganwadi worker. But, unfortunately, she received said letter in the afternoon of 11.08.2023 itself i.e. on the date of her appearance and therefore, she could not appear.

[7] Being aggrieved by the said letter of 04.08.2023, the petitioner filed a contempt petition bearing No. Cont. Cas(C) 130 of 2023 against the respondents for their willful disobedience to comply the judgment dated 10.03.2023. Ultimately, said contempt case was dropped by the Court giving liberty to the petitioner to agitate her grievance, if any, in accordance with law in the proper forum.

[8] Thereafter, she preferred contempt appeal bearing No. Cont. App.(C)/02/2023 against the said order of the Court and ultimately, same was withdrawn.

[9] Thereafter, the petitioner preferred WP(C)793 of 2023 and said case was disposed of by a coordinate bench of this Court on 09.09.2024. As it appears, both the parties, in that proceeding, agreed before the Court that petitioner would appear before the Laxman Dhepa Gram Panchayat, Nalchar R.D.Block, Sepahijala, Tripura on 23.09.2024 at 11.00 am and accordingly, order was passed in that line asking the petitioner to appear before the Panchayat authority on said date and time and liberty was given to the petitioner to make her submission either orally or by way of

written application along with any evidence before the respondents. It was also directed that on hearing the petitioner and examining any such record, the Gram Panchayat should pass a reasoned order in accordance with law. Relevant paragraph of the said decision is extracted herein below:

“[5] It is agreed by both sides that the petitioner shall appear before the Laxman Dhepa Gram Panchayat, Nalchar R.D. Block, Sepahijala, Tripura on 23.09.2024 at 11am. She may make her submission orally or by way of written application along with any evidence before the respondents. On hearing the petitioner and examining any such record that will be so furnished, the said Gram Panchayat shall pass a reasoned order in accordance with law”

[10] According to the petitioner, on 23.09.2024 at about 11.00 am, in compliance of the direction of this Court, she along with her Ld. Advocate appeared before the Laxman Dhepa Gram Panchayat and submitted her written application before the Panchayat authority in presence of the CDPO, Melaghar. On behalf of the Panchayat, the Gram Pradhan received the said written application along with relevant documents annexed as annexure 1 & 2 containing the records like copy of the writ petition No. W.P.(C)793 of 2023 along with its judgment, copy of judgment and order dated 10.03.2023 passed in writ petition No. W.P.(C)No.1026 of 2022, copy of order passed in said Contempt case No. 130 of 2023 and copy of final order of Contempt App. No.2 of 2023 and the Gram Pradhan in turn told the petitioner that

Panchayat in the meeting will consider the application with reference to the submission as well as documents referred with the application and decision, as arrived at, would be communicated to her. But, till 1.00 PM, the petitioner along with her Ld. Advocate was present in the office of the Nalchar R.D.Block, but, no meeting was held. Finally, on 30.09.2024, the petitioner received the envelop from the postal department and by opening the same, it was found that Laxman Dhepa Gram Panchayat communicated a copy of their resolution of the meeting dated 23.09.2024 to the petitioner for her information without any forwarding letter.

[11] Now, it is the grievance of the petitioner, as submitted by Ld. Counsel of the petitioner, that despite direction given by the High Court, the Laxman Dhepa Panchayat failed to give personal hearing of the petitioner and adopted a resolution against her which, on the face of it, is unreasonable. Therefore, Ld. Counsel, Mr. P. K. Pal prays that the writ petition may be allowed with a direction to the respondent to allow her to join to the post of Anganwadi worker again and to discharge her function.

[12] Ld. Counsel Mr. Pal also refers to a decision of the Gauhati High Court in case of **Smt. Nateng Tagi & 3 Ors. Vs. The State of Arunachal Pradesh & 7 Ors. [WP(C)467 (AP) 2016]** decided on 15.06.2017, where termination of an Anganwadi worker was set aside by the

Court on the ground that before such termination, no notice was served upon her.

[13] Ld. Addl. GA, Mr. Mangal Debbarma, however, referring to the decision of the Laxman Dhepa Gram Panchayat, submits that in compliance with the direction of this Court in the previous writ petition, said Panchayat authority, accordingly, sat on a meeting on 23.09.2024 at around 11.00 am and observed that after 10.07.2020, she never attended her duties at Laxman Dhepa (Bagan Tilla) Anganwadi Centre and after consulting with her husband, it was apprised that she was missing and in this regard, her husband submitted FIRs in the police station on 10.07.2020 and on 29.09.2022. But, such FIRs were not placed before the Panchayat authority. It was also observed by the Panchayat authority that the petitioner had eloped with another person of her neighborhood leaving the Anganwadi Centre non functional and therefore, on 05.08.2020, a request was made to the CDPO to engage some other person to make the Anganwadi Centre again functional. It was further observed by the Panchayat authority that due to compromising character of the petitioner, the people of that locality were not agreeable to accept her as an Anganwadi worker and finally, the Panchayat decided to recommend for engagement of another person in her place in the said Anganwadi Centre.

[14] Therefore, Ld. Addl.GA submits that for all the past conducts of the petitioner, the Panchayat authority was justified in arriving at the decision that her engagement as an Anganwadi worker should be terminated and there was no deficiency on the part of said Panchayat authority in non compliance with the direction of the Court. Ld. Addl. GA therefore, prays for dismissing the writ petition.

[15] The Court has considered the submissions of both sides and has also considered the materials placed on the record.

[16] As it appears from the order dated 09.09.2024 passed by this Court in WP(C)No.793 of 2023, the petitioner was directed to appear before the Laxman Dhepa Gram Panchayat on 23.09.2024 at about 11.00 am and as indicated earlier, liberty was also given to her to make her submission orally or by way of written application along with any evidence placed by her. It was also specifically noted by the Court that on hearing the petitioner (*emphasis laid*) and examining such record the Gram Panchayat shall pass a reasoned order.

[17] Though, in the Counter Affidavit submitted on behalf of the state respondent, it is asserted by them that on 23.09.2024 at about 11.00 AM, the petitioner along with her Ld. Advocate appeared before the Panchayat authority and submitted written application along with supporting

document before the Gram Panchayat and thereafter, she was asked to wait for the Panchayat body to sit together on this issue, but, nowhere it is indicated in the said resolution of the Gram Panchayat that she was ever heard on that day by the Panchayat authority. According to said resolution, the Panchayat sat in the meeting on that date at around 11.00 AM and even if, according to them, at 11 am she was present in the Panchayat, there is no reason assigned as to why she was not heard. There is also no indication in the Panchayat resolution that her written submissions were considered by them.

[18] Considering all these aspects, the writ petition is allowed. The resolution dated 23.09.2024 passed by said Gram Panchayat (Respondent No.4) is hereby quashed.

[19] The Respondent Nos.3 and 4 are, therefore, directed to fix a date for appearance of the petitioner before them within 2 weeks of receipt of copy of this order and to personally hear her on her such petition as was submitted on 23.09.2024 and to take a conscious and reasoned decision in this regard. The Respondent No.3 will, thereafter, act upon accordingly and will communicate the decision to the petitioner within next 2 (two) weeks. The petitioner will remain present on the said date of her appearance on being notified to her by Respondent No.3 and in case she fails to appear before the Panchayat in the said meeting without any

justifiable cause, the decision may be taken by the respondents in her absence in accordance with law.

[20] The Writ Petition is accordingly disposed of.

Interim application(s), if any, shall also stand disposed of.

JUDGE

