



CGHC010395162026



2026:CGHC:43613

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7374 of 2026

1 - Smt. Akti Ghritlahre W/o Late Bodhan Ghritlahre Aged About 43 Years R/o Village And Post Amera, Tehsil Pallari, Distt. Baloda Bazar Bhatapara, Chhattisgarh.

... **Petitioner**

versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Women And Child Development, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, Distt. Raipur, Chhattisgarh.

2 - Director Directorate Of Women And Child Development Department, Indrawati Bhawan, Atal Nagar Naya Raipur, Distt. Raipur, Chhattisgarh.

3 - Collector District Baloda Bazar Bhatapara, Chhattisgarh.

4 - District Program Officer Women And Child Development Department, Baloda Bazar Bhatapara, Distt. Baloda Bazar Bhatapara, Chhattisgarh.

5 - Project Officer Irrigated Child Development Project, Pallari, Distt. Baloda Bazar Bhatapara, Chhattisgarh.

6 - Chief Executive Officer Janpad Panchayat Pallari, Distt. Baloda Bazar Bhatapara, Chhattisgarh.

... **Respondents**

(Cause title taken from Case Information System)

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For Petitioner : Mr. Govind Prasad Dewangan,
Advocate

For State : Mr. Aditya Tiwari, Panel Lawyer

Hon'ble Shri Justice Bibhu Datta Guru

Order on Board

08/10/2026

1. By the present petition, the petitioner has for following reliefs:-

“10.1 That, this Hon'ble Court may kindly be pleased to call for the entire records in relates to the case of the petitioner from the possession of respondents for its kind perusal.

10.2 That, this Hon'ble Court may kindly be pleased to set aside the impugned order of termination dated 21.09.2026 (Annexure-P/1) issued by the respondent No.5 i.e. Project Officer, Irrigated Child Development Project, Pallari, District Baloda Bazar-Bhatapara (C.G.) and further be pleased to direct the respondents authority to reinstate the petitioner in service and allow her to work as Anganbadi Worker at Anganbadi Center, Amera-02, Janpad Panchayat Pallari, District Baloda Bazar-Bhatapara (C.G.) with all consequential benefits.

10.3 That, this Hon'ble Court may kindly further be pleased to set aside the impugned advertisement

dated 24.09.2026 (Annexure-P/2) issued by the respondent No.5 i.e. Project Officer, Irrigated Child Development Project, Pallari, District Baloda Bazar-Bhatapara (C.G.) to the extent of filling up the post of Anganbadi Worker at Anganbadi Center, Amera-02, Janpad Panchayat Pallari, District Baloda Bazar-Bhatapara (C.G.), in the interest of justice.

10.4 That, this Hon'ble Court may kindly be pleased to grant any other relief/reliefs in favour of the petitioners, which the Hon'ble Court deemed fit & just in the facts and circumstances of the case, including awarding of the costs to the petitioner.”

2. Learned counsel for the petitioner submits that the petitioner was working as Anganbadi Worker and posted at Anganbadi Center, Amera-2, Janpad Panchayat Pallari, District Balodabazar-Bhatapara. Learned counsel submits that the termination order dated 21.09.2026 against the petitioner was passed by the Collector, because of some irregularities found at Anganbadi Center. The impugned termination was passed without affording the petitioner a fair and reasonable opportunity of hearing. Though the reply was submitted by the petitioner in response to show cause notice, but the same was summarily rejected without considering the reply. In the matter,

a detailed inquiry is required to be conducted under the relevant applicable rules and the charges leveled against the petitioner are required to prove in accordance with law. There is no inquiry conducted against the petitioner, yet the termination order has been passed against her. He would further submit that, even if some deficiencies is considered, the termination of the petitioner is disproportionate with that discrepancy and such the major punishment cannot be imposed without proper departmental inquiry. The action of the respondent authorities are violative of the guidelines of 2008. He would also submit that immediately after the order of termination, two days later, fresh advertisement for appointment on the post of Anganbadi Karyakarta/ Sahayika for Amera-2, Janpad Panchayat, Pallari has been issued by the authorities, therefore, the impugned termination order is liable to be quashed.

3. Per contra, learned counsel appearing for the State vehemently opposes the submissions and has submitted that the petitioner has afforded proper and sufficient opportunity of hearing before passing the impugned termination order. When the authorities have found the reply unsatisfactory, the order of termination has been passed. Therefore, there is no infirmity or illegality in the order impugned, and the petition is liable to be dismissed.

4. I have heard leaned counsel for the parties and perused the material annexed with the petition.
5. The State Government has issued a guideline on 02.04.2008 with respect to the appointments of Anganbadi Karyakarta/Sahayika/Mini Anganbadi Karyakarta. Clause 13 of the said guideline provides for termination of the Anganbadi Karyakarta/Sahayika, which is necessary to be reproduced here:-

“13. कार्यकर्ताओं/सहायिकाओं को पद से हटाने की प्रक्रिया :-

13.1 किसी आंगनबाड़ी कार्यकर्ता/सहायिका के संदर्भ में शिकायत प्राप्त होने पर बाल विकास परियोजना अधिकारी द्वारा संबंधित पर्यवेक्षक से जांच करवाकर प्रतिवेदन प्राप्त किया जायेगा व प्राप्त प्रतिवेदन में गुण दोषों का परीक्षण कर शिकायत सही पाये जाने पर यदि किसी प्रकार का गबन अथवा गंभीर अनियमितता का प्रकरण बनता है तो संबंधित कार्यकर्ता/सहायिका को उस पर परिलक्षित हुए आरोपों से स्पष्ट अवगत कराते हुए अपना पक्ष रखने का अवसर प्रदान किये जाने हेतु पन्द्रह दिवस का समय प्रदान किया जावेगा एवं उत्तर प्राप्त होने पर पुनः गुण दोषों का परीक्षण कर न्यायोचित निर्णय लेते हुए यदि पद से पृथक किया जाना आवश्यक हो तो पद से पृथक किये जाने संबंधी प्रस्ताव जाँच प्रतिवेदन सहित जनपद पंचायत/नगरीय निकाय की उस समिति के समक्ष

प्रस्तुत किया जावेगा जो चयन के लिये सक्षम हैं। उक्त समिति के अनुमोदन होने के उपरांत मुख्य कार्यपालन अधिकारी, जनपद पंचायत/आयुक्त नगर निगम/मुख्य नगर पालिका अधिकारी द्वारा पद से पृथक करने के आदेश प्रसारित किये जायेंगे।

13.2 यदि गबन अथवा गंभीर अनियमितता का प्रकरण परिलक्षित नहीं हुआ है एवं मात्र सामान्य लापरवाहियों परिलक्षित हुई हैं तो संबंधित बाल विकास परियोजना अधिकारी द्वारा प्रथम दो बार संबंधित कार्यकर्ता/सहायिका को सचेत करते हुए चेतावनी जारी की जावेगी एवं तृतीय बार भी सुधार न आने पर उस पर स्पष्ट आरोप आरोपित करते हुए सुनवाई का अंतिम अवसर प्रदान किया जावेगा एवं प्राप्त स्पष्टीकरण पर न्यायोचित रूप से विचार करते हुए यदि पद से पृथक किया जाना आवश्यक हो तो तदनुसार उपरोक्त कण्डिका 13.1 अनुसार जनपद पंचायत /नगरीय निकाय को प्रस्ताव प्रस्तुत कर सेवा समाप्त करने की कार्यवाही की जावेगी। यदि गंभीर कदाचार/अनियमितता की शिकायत होने पर भी जनपद पंचायत/नगरीय निकाय की चयन समिति कार्यकर्ता/सहायिका को पद से पृथक करने संबंधी प्रस्ताव प्रस्तुत करने के तीन सप्ताह की समयावधि के भीतर पारित नहीं करती है एवं परियोजना अधिकारी उक्त कार्यकर्ता/सहायिका को जनहित में पद से पृथक किया जाना आवश्यक मानते हैं तो बाल विकास

परियोजना अधिकारी प्रकरण मूल्यांकन समिति के समक्ष रखेंगे। बाल विकास परियोजना अधिकारी के द्वारा मूल्यांकन समिति के प्रस्ताव से जिला कार्यक्रम अधिकारी के अनुमोदन उपरांत पद से पृथक किया जा सकेगा।

13.3 वरिष्ठ अधिकारियों अर्थात् जिला कार्यक्रम अधिकारी अथवा उनसे उच्च अधिकारियों के निरीक्षण के दौरान स्थिति असंतोषजनक पाये जाने पर यदि उनके विवेक अनुसार कार्यकर्ता को पद से पृथक किया जाना आवश्यक पाया जाता है तो इस हेतु संबंधित निरीक्षणकर्ता अधिकारी अपने निरीक्षण तथा अनियमितताओं का विस्तृत सुस्पष्ट प्रतिवेदन तैयार कर पद से पृथक करने हेतु उल्लेख करते हुए मुख्य कार्यपालन अधिकारी जनपद पंचायत और यदि नगरीय क्षेत्र है तो आयुक्त नगर निगम/ मुख्य नगर पालिका अधिकारी को प्रेषित कर देंगे एवं जनपद पंचायत एवं नगरीय निकाय द्वारा कण्डिका 13.1 एवं 13.2 अनुसार कार्यवाही की जावेगी।

13.4 पद से पृथक्करण के आदेश के विरुद्ध अपील कडिका 11 के प्रावधानों के अनुसार की जा सकेगी।

13.5 यदि कोई आंगनवाड़ी कार्यकर्ता/सहायिका बिना किसी सूचना के लगातार एक माह से अधिक अवधि तक अनुपस्थित रहती है तो परियोजना अधिकारी अनुपस्थिति के कारण पर पर्यवेक्षक से एक जाँच प्रतिवेदन प्राप्त कर

कंडिका 13.1, 13.2 के अनुरूप सेवा समाप्त करने की कार्यवाही करेंगे।

13.6 आंगनवाड़ी कार्यकर्ता / सहायिका की सेवा की अधिकतम उम्र 62 वर्ष पूर्ण होने पर परियोजना अधिकारी उन्हें एक माह पूर्व लिखित सूचना देकर सेवा समाप्त करने संबंधी आदेश प्रसारित करेंगे। इस हेतु कंडिका 13.1, 13.2 के अनुरूप जनपद पंचायत/ नगरीय निकाय की चयन समिति से अनुमोदन लेने की आवश्यकता नहीं होगी।

स्पष्टीकरण: - उपरोक्तनुसार पद से पृथक करने की प्रक्रिया में जिस अभ्यर्थी की नियुक्ति जिस प्रक्रिया से हुई होगी उसी प्रक्रिया से उसी प्रक्रिया के तहत विहित समिति व अनुमोदन के अनुसार उसे पद से पृथक किया जावेगा अर्थात् यदि जनपद पंचायत/नगरीय निकाय से चयन हुआ है तो उसी निकाय के माध्यम से कंडिका 13.1 अनुसार कार्यवाही करते हुए पद से पृथक किया जावेगा एवं जिस अभ्यर्थी का चयन मूल्यांकन समिति तथा जिला कार्यक्रम अधिकारी के अनुमोदन से हुआ होगा उसे तदनुसार ही मूल्यांकन समिति व जिला कार्यक्रम अधिकारी के अनुमोदन से पद से पृथक किया जावेगा।”

6. From perusal of the procedure prescribed for removal of the Anganbadi Karyakarta/Sahayika, it transpires that on a complaint received against the Anganbadi

Karyakarta/Sahayika, it was to be inquired from the concerned Observer, who shall submit his report and if prima facie material is found against the Anganbadi Karyakarta/Sahayika, show cause notice is required to be issued giving 15 days time to file reply and after receiving their reply, the matter be again examined, and if it is found that, the concerned Anganbadi Karyakarta/Sahayika is to be removed from service, then a proposal along with the inquiry report is to be produced before the committee of concerned Janpad Panchayat/Local Bodies, who is competent to appointment, and after their approval the matter is to be referred to the Chief Executive Officer, Janpad Panchayat/ Commissioner, Municipal Corporation/Chief Municipal Officer for passing of the order separately. An explanation was also given in clause 13 that, the process of removal of the employee, would be the same on which he/she is selected, and if his/her selection was through the scrutiny committee and approval of programme officer, she would be removed only after approval of the scrutiny committee and programme officer. It also transpires from clause 13.4 that, the employee can prefer an appeal against the order of termination as provided under clause 11 of the said guideline.

7. From perusal of the impugned order as well as the documents annexed with the petition, it transpires that there are certain lapses in issuing notices, conducting inquiry and representing

the case of the petitioner before the authorities by both sides and the inquired procedure by the authorities concerned appears to be in hasty manner.

8. Be that as it may, the remedy of appeal under clause 13.4 of the guideline dated 02.04.2008 is provided against the termination from the post of Anganbadi Karyakarta/Sahayika. In view of the issue involved in the case, it would deem appropriate to direct the petitioner to approach before the authority concerned by filing her appeal as provided under clause 11 and 13.4 of the guideline dated 02.04.2008 and then the appellate authority shall decide the appeal in accordance with law after giving proper opportunity of hearing to the respective parties. It is made clear that this Court has not expressed any opinion on merits of the case and the appellate authority shall decide the appeal of the petitioner, if so filed, on its own merits without there being influenced of any observation made in this order.
9. The petitioner is directed to file the appeal as provided under clause 11 and 13.4 of the guideline dated 02.04.2008 within 02 weeks from the date of receipt of copy of this order, and then, the appellate authority shall decide the appeal in accordance with law after giving proper and sufficient opportunity of hearing to the parties within a period of 04 months from the date of filing

the appeal. Till then, the impugned order dated 21.09.2026 (Annexure P/1) shall be kept in abeyance and the same shall be subject to ultimate outcome of the appeal, and the petitioner shall be permitted to work there at Anganbadi Center, Amera-2, Janpad Panchayat Pallari.

10. In view of the aforesaid, the subsequent advertisement dated 24.09.2026 for appointment on the post of Anganbadi Karyakarta/Sahayika at at Anganbadi Center, Amera-2, Janpad Panchayat Pallari shall also be kept in abeyance, which shall also be subject to final outcome of the appeal.
11. With the aforesaid observations, the present writ petition is **disposed of.**

SD/-
(Bibhu Datta Guru)
Judge

Amardeep