



CNR: KAHC010019632020

NC: 2026:KHC:36956
WP No. 9461 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S.KINAGI

WRIT PETITION NO. 9461 OF 2021 (S-RES)

BETWEEN:

LAKSHMIDEVAMMA
W/O. ANJINAPPA,
R/O. KANTHANAHALLI VILLAGE,
I.D HALLI HOBLI,
MADHUGIRI TALUK,
TUMKUR DIST 572132

...PETITIONER

(BY SRI. SUBHASH CHANDRA BOSE., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY,
DEPARTMENT OF WOMEN AND CHILD
DEVELOPMENT,
VIKASA SOUDHA,
BENGALURU 560001

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KARNATAKA



**NC: 2026:KHC:36956
WP No. 9461 of 2021**

2. THE DEPUTY DIRECTOR
DEPARTMENT OF WOMEN AND CHILD
DEVELOPMENT,
TUMKUR 572101

3. THE CHILD DEVELOPMENT PLANNING OFFICER
DEPARTMENT OF WOMEN AND CHILD
DEVELOPMENT, MADHUGIRI,
MADHUGIRI TALUK,
TUMKUR DISTRICT- 572 132

...RESPONDENTS

(BY SRI. G RAMESH NAIK, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR SUCH OTHER WRIT OR ORDER AND TO QUASH THE ORDER DATED 30.05.2017 BEARING No.UNITHU:MAMAA.ICD:AMSA:VAJA:2017-18/520 PASSED BY R2, TERMINATING THE APPLICANT FROM HER SERVICE AS PER ANNEXURE A AND CONSEQUENTLY DIRECT R2 TO REINSTATE THE PETITIONER AS ANGANAWADI HELPER WITH ALL BENEFITS FOR WHICH PETITIONER IS ENTITLED IF, SHE HAD NOT BEEN TERMINATED FROM HER SERVICE. TO AWARD COST OF THIS PETITION.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:



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WP No. 9461 of 2021

CORAM: HON'BLE MR. JUSTICE ASHOK S.KINAGI

ORAL ORDER

The petitioner has filed this writ petition seeking the following reliefs:

- (a) *Issue a writ of certiorari or such other writ or order and to quash the order dated 30.05.2017 bearing No.UNiTHu:MAMAA.ICD:AMSA:VAJA:2017-18/520 passed by the 2nd respondent, terminating the applicant from her service as per Annexure-A and consequently direct the 2nd respondent to reinstate the petitioner as Anganawadi helper with all benefits for which petitioner is entitled if, she had not been terminated from her service.*
- (b) *To award cost of this petition.*
- (c) *To pass such other order or direction in the circumstances of the case as this Hon'ble Court deems fit to grant, in interest of justice and equity.*

2. Brief facts leading rise to the filing of this writ petition are as follows:

The petitioner was appointed as an Anganawadi helper by respondent No.3 vide appointment order dated 29.12.2005. The petitioner underwent a training provided



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NC: 2026:KHC:36956
WP No. 9461 of 2021

by Department of Women and Child Development, in Anganavaadi Helpers Training Center, Jayanagara East, 6th Main Road, Shettyhalli Road, Tumkur-2, for a period of 6 days i.e., from 24.09.2007 to 29.09.2007, to that effect the Principal, Anganavaadi Helpers' Training Center, Tumkur and 2nd respondent, jointly issued a certificate dated 29.09.2007. Smt. Vijayama Anganawadi worker was transferred to Kanthanahalli Anganawadi Center vide order dated 20.01.2015. On 09.01.2017, respondent No.3 issued an order of suspension placing the petitioner under suspension. On 30.05.2017, respondent No.2 issued the impugned order, terminating the petitioner from service. It is contended that the impugned order passed by respondent No.2 is without holding an enquiry. Thus, the impugned order passed by respondent No.2 is in violation of principles of natural justice. Hence, this writ petition.

3. The respondents despite service of notice, not filed the statement of objections.



4. Heard the learned counsel for the petitioner and also learned Government Advocate for the respondents.

5. Learned counsel for the petitioner submits that the impugned order passed by respondent No.2 is in violation of principles of natural justice. He submits that before passing an impugned order, no enquiry was held. To buttress his argument, he has placed reliance on the order passed by this court in W.P.No.104918/2021. Hence, on this ground, he prays to allow the writ petition.

6. *Per contra*, learned Government Advocate submits that the impugned order passed by respondent No.2 is in accordance with law. Hence, he prays to dismiss the writ petition.

7. Perused the records and considered the submissions of the learned counsel for the parties.



8. It is an undisputed fact that the petitioner was appointed as an Anganawadi helper vide appointment order dated 29.12.2005. The petitioner underwent training and thereafter, the petitioner was posted as an Anganawadi helper at Kanthanahalli Anganawadi Center. It was contended that the petitioner remained unauthorised absent. On 09.01.2017, respondent No.3 has placed the petitioner under suspension. Later on 30.05.2017, the respondent has issued an impugned order terminating the petitioner from service vide order dated 30.05.2017. From the perusal of the records, it clearly discloses that respondent No.2 before passing an impugned order, no enquiry was held against the petitioner. Based on the impugned order passed by respondent No.2 is in violation of principles of natural justice and has resulted in substantial miscarriage of justice.

9. I would like to place reliance on the judgment of the Apex Court in the case of **MANEKA GANDHI VS.**



UNION OF INDIA AND ANOTHER reported in **1978 (2) SCR 621** wherein the Hon'ble Apex Court has held that substantive and procedural laws and action taken under them will have to pass the test under Article 14. The test of reason and justice cannot be abstract. They cannot be divorced from the needs of nation. The tests have to be pragmatic otherwise they would cease to be reasonable.

10. The procedure prescribed must be just, fair and reasonable even though there is no specific provision to be taken against an individual, which affects the right of that individual. The duty to give reasonable opportunity to be heard will be implied from the nature of the function to be performed by the authority. It is thereby conclusively held by the Hon'ble Apex Court that the principles of natural justice are part of Article 14 and procedure prescribed by law must be just, fair and reasonable.



11. This Court in W.P.No.104918/2021 has held that the power to terminate the service of the petitioner, involves civil consequence and therefore, the procedure contemplated ought to have been followed. The nature and extent of adhering to the principles of natural justice depends upon the facts and circumstances, but at the same time, it is also well accepted that the principles of law that principles of natural justice can be read into a provision, unless applicability of such principles of natural justice is expressly or impliedly excluded. The learned counsel appearing for respondent could not point the applicability of principles of natural justice which is expressly or impliedly excluded.

12. In view of the above discussion, I proceed to pass the following:

ORDER

- i. The Writ Petition is ***allowed***.



CNR: KAHC010019632020

- ii. The impugned order vide Annexure-A is hereby quashed.
- iii. Respondent No.2 is directed to reinstate the petitioner and liberty is reserved to respondent No.2 to hold an enquiry in accordance with law. If so desired, the consequential benefits are subject to the outcome of the enquiry.
- iv. Pending application/s, if any, shall stand disposed of.

**Sd/-
(ASHOK S.KINAGI)
JUDGE**

SSB