

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 320 of 2015**

- Smt. Rambha Rathore, W/o Shri Mahaveer Rathore, Aged About 44 years, Resident of Khokhra, Tahsil Janjgir, Civil and Revenue District Janjgir Champa (Chhattisgarh)

---- Petitioner**Versus**

1. Additional Commissioner, Bilaspur Division Bilaspur, District Bilaspur (Chhattisgarh)
2. Collector, Janjgir-Champa, District Janjgir Champa (Chhattisgarh)
3. Chief Executive Officer, Janpad Panchayat Nawagarh, District Janjgir Champa (Chhattisgarh)
4. Woman and Child Development, Officer Janpad Panchayat Nawagarh, District Janjgir Champa (Chhattisgarh)

---- Respondents

For Petitioner : Shri Sushobhit Singh, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****29/04/2015**

1. Petitioner is assailing the legality and validity of the order of removal from the post of Anganwadi Worker, passed by the Janpad Panchayat on 27-6-2013, duly affirmed in appeal and revision by the Collector, Janjgir-Champa and Additional Commissioner, Bilaspur Division, Bilaspur.
2. Learned counsel for the petitioner would submit that there is no allegation of commission of any irregularity or misconduct against the petitioner. The only reason for her removal is that during inspection, the Anganwadi Centre No.5, Village Khokhra, Block Nawagarh No.2, District Janjgir-Champa, has

been found closed. He would thus submit that punishment of removal is disproportionate to the nature of allegation.

3. Record filed along with the writ petition would reveal that the Supervisor of the concerned Block inspected the Anganwadi Centre on 24-3-11 & 8-1-13. Similarly, the District Program Officer also inspected the centre on 22-12-12 & 7-1-13. On all the occasions the Anganwadi Centre was found closed. The petitioner was issued three notices i.e. on 22-5-12, 24-12-12 & 8-1-13 seeking her explanation for the absence and closure of the centre. However, she failed to submit any reply for which her honorarium was stopped. The Janpad Panchayat passed resolution on 30-3-13 for her removal from the post, pursuant to which the Chief Executive Officer, Janpad Panchayat, Nawagarh passed order of removal on 27-6-13.
4. The contention raised by the petitioner has been examined at length by the Collector in appeal and by the Additional Commissioner in revision. Both the authorities have concurrently found that the grounds of removal are born out from the obtaining facts. The petitioner never submitted any explanation as to why the Anganwadi Centre was kept closed without any *bona fide* or lawful reason.
5. The argument that there is no allegation of irregularity or misconduct fails to impress this Court, because keeping the Anganwadi Centre closed would itself amount to irregularity and the element of misconduct is inbuilt in it.
6. In the matter of ***B.K. Muniraju v. State of Karnataka***¹, the Supreme Court, in para 22, has held thus:-

“22. It is settled law that a writ of certiorari can only be issued in exercise of extraordinary jurisdiction which is

¹(2008) 4 SCC 451

different from appellate jurisdiction. The writ jurisdiction extends only to cases where orders are passed by inferior courts or tribunals or authorities in excess of their jurisdiction or as a result of their refusal to exercise jurisdiction vested in them or they act illegally or improperly in the exercise of their jurisdiction causing grave miscarriage of justice. In regard to a finding of fact recorded by an inferior tribunal or authority, a writ of certiorari can be issued only if in recording such a finding, the tribunal/authority has acted on evidence which is legally inadmissible, or has refused to admit an admissible evidence, or if the finding is not supported by any evidence at all, because in such cases the error amounts to an error of law. It is needless to mention that a pure error of fact, however grave, cannot be corrected by a writ.”

7. For the foregoing, this Court does not deem it appropriate to interfere with the concurrent findings recorded by the appellate and revisional authorities against the petitioner, while exercising jurisdiction under Article 227 of the Constitution of India. Accordingly, the writ petition fails and is hereby dismissed.

JUDGE

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