

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.33611 of 2016

ORDER:

The petitioner has filed this Writ Petition challenging the order dt.14-09-2016 passed by the 2nd respondent terminating the services of petitioner as Anganwadi worker of Nandivalasa Village, Madala Panchayat, Arakuvalley Mandal.

2. It is not in dispute that on 07-09-2016, the 3rd respondent had called the petitioner for a Project Level Meeting at Araku and the petitioner had attended the said meeting along with Anganwadi Helper. This fact is admitted in para-4 of the counter-affidavit filed by 3rd respondent.

3. Apparently, on the same day, at around 3 p.m., three pre-school children, who were attending the Anganwadi center, Nandivalasa, accidentally slipped and fell into the farm-pond and died.

4. Alleging that petitioner and Anganwadi Aaya were somehow responsible for the death of those 3 children and they had allowed the children to go outside the Anganwadi Kendra and had closed the Anganwadi Kendra without any information, a memo dt.09-09-2016 was issued to petitioner and the Anganwadi Aaya by 3rd respondent. Petitioner submitted an explanation denying the said charges. Without conducting any enquiry, on the basis of the report of the 3rd respondent, the impugned order of termination of service of

petitioner was passed by 2nd respondent holding that petitioner is responsible for the death of the 3 children. In the impugned order, it is stated as under:

“As per the report of the Child Development Project Officer, IDCS Project, Araku, the concerned Supervisor has given explanation to the memo that both Smt.Garam Sundaramma, Anganwadi Worker and Smt.Gemmel Butkamma, Anganwadi Helper came to Arakuvally to attend periodical Project Level Meeting, but as per the timely instructions of CDPO and Supervisor to ICDS staff in every Sectorial and Project Level meetings that either Anganwadi Worker or Helper should be available at Anganwadi center without causing any inconvenience to the pre-school children. Whereas the Anganwadi center in Nandivalasa is not opened on 07.09.2016 which is clear violation of instructions as either the Anganwadi Worker or Anganwadi Helper should be available at the Anganwadi Center....”

5. A reading of the above reasoning of the 2nd respondent shows that 2nd respondent believed that the petitioner could have been present not only in the Project Level Meeting at Araku but also in the subject Anganwadi simultaneously at two different places and is somehow esponsible for the deaths of the 3 children. How this impossible thing could be achieved by petitioner is not explained by 2nd respondent. It is common knowledge that the same person cannot be in two different places at the same time. Therefore the approach of 2nd respondent is clearly arbitrary, unreasonable and shows total lack of application of mind to the issue. Therefore I am of the opinion that there is no basis to remove the petitioner from service on the ground

of negligence in discharge of her responsibility and the impugned order cannot be sustained.

6. Accordingly, the Writ Petition is allowed; the order dt.14-09-2016 passed by the 2nd respondent terminating the services of petitioner is set aside; and 2nd respondent is directed to permit the petitioner to discharge the duties of Anganwadi worker in Nandivalasa Anganwadi forthwith with all consequential benefits including continuity of service and payment of remuneration for the period between 14-09-2016 and the date when the petitioner is reinstated into service. The respondents shall also pay costs of Rs.5,000/- (Rupees Five Thousand only) to the petitioner within four (04) weeks from the date of receipt of a copy of this order.

7. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 16-11-2016

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