

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 6118 of 2017**

1. Smt. Bhagyawati Jhadi W/o Sammaiya Jhadi, Aged About 39 Years Aganbadi Worker At Pidiya Lekamapar Aganbadi Centre, R/o Shanti Nagar, Bijapur, District Bijapur, Chhattisgarh
2. Smt. Sammi Bedke W/o Bedke Ram, Aged About 50 Years Aganbadi Worker at Isulnar Aganbadi Centre, R/o Village Cherpai Shivipara, Tahsil Bijapur, District Bijapur, Chhattisgarh
3. Smt. Tulsi Durgam W/o Balaiya Durgam, Aged About 45 Years Aganbadi Worker At Pedakoram Aganbadi Centre, R/o Tahsilpara, Bijapur, District Bijapur, Chhattisgarh
4. Smt. Narmani Dhudhi W/o Tulsi Ram Dhudhi, Aged About 40 Years Aganbadi Worker At Kokekoram Aganbadi Centre, R/o Bijapur, District Bijapur, Chhattisgarh
5. Ms. Rukhmani Jangam D/o Shri Jangam, Aged About 42 Years Aganbadi Worker At Gorna Aganbadi Centre, R/o Bijapur, District Bijapur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Women And Child Development, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh
2. Commissioner, Women And Child Development, Indrawati Bhawan, Naya Raipur, District Raipur, Chhattisgarh
3. Commissioner, Bastar Division, Bastar, District Jagdalpur, Chhattisgarh
4. Collector, Bijapur, District Bijapur, Chhattisgarh
5. Janpad Panchayat Bijapur, Through Its Chief Executive

Officer, Janpad Panchayat Bijapur, District Bijapur,
Chhattisgarh

---- Respondent

For Petitioners	Shri Malay Shrivastava, Advocate.
For Respondents	Shri Sameer Behar, P.L.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

21/11/2017

1. Petitioners would assail the impugned order dated 04.01.2017 passed by the District Programme Officer, Women and Child Development Department, Bijapur under approval from District Collector, whereby petitioners' appointment on the post of Aganbadi Worker has been cancelled.
2. Petitioners' have preferred this petition directly before this Court despite availability of the alternative remedy of appeal for the reason that, according to the petitioners, the impugned order has been passed in violation of principles of natural justice, inasmuch as before passing the impugned order, the petitioners have not been afforded any opportunity of hearing, nor have been given any prior notice.
3. Referring to the contents of the circular dated 02.04.2008, learned State counsel would submit that since the impugned order has been passed on some

inquiry report submitted by the Project Officer/Supervisor, it is, possible that the petitioners have been heard before passing the impugned order.

4. Be that as it may, Paragraph 13 of the circular dated 02.04.2008 which has been referred in the impugned order, prescribes for the procedure for removing an Aganbadi Worker from the post. The procedure provides for service of memo of charges to the concerned Aganbadi Worker before directing her removal, therefore, the principles of natural justice have been ingrained in the circular itself. At the same time, impugned order does not reflect that opportunity of hearing was provided to the petitioners before the impugned order cancelling their appointment has been passed.
5. Since appellate remedy is also available, ends of justice would be served, if the petitioners are directed to approach the Commissioner, Bastar Division by preferring appeal under the relevant clause of the circular dated 02.04.2008. Let the petitioners prefer the appeal within 4 weeks from today and thereafter the Commissioner, Bastar Division shall decide the appeal, at the earliest, preferably within a period of 6 months from the date of submission of appeal. The Commissioner shall address the issue as to whether the petitioners were provided opportunity of hearing before their removal.
6. For a period of 7 months from today or till the petitioners' appeals are decided, whichever is earlier,

the impugned order shall remain stayed and the petitioners shall be allowed to work as Aganbadi Worker in their respective centres.

7. Accordingly, the petition is disposed of with the aforesaid observations.

Sd/-

Judge

Prashant Kumar Mishra

Akhilesh