

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 1757 of 2017

- Smt. Sushila Sahu, D/o Narayan Sahu, Aged About 40 Years, W/o Lalan Prasad Sahu, (deserted lady) R/o Village-Barhol, Tahsil- Ramanujnagar, District- Surajpur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Women And Child Development Department, Mahanadi Bhawan, Mantralaya, New Raipur, District- Raipur, Chhattisgarh
2. The Collector, Surajpur, District- Surajpur, Chhattisgarh
3. The Project Officer, Integrated Child Development Project, Ramanujnagar, District- Surajpur, Chhattisgarh
4. The Programme Officer, Women And Child Development Department, Surajpur, District-Surajpur, Chhattisgarh
5. The Chief Executive Officer, Janpad Panchayat, Ramanujnagar, District- Surajpur, Chhattisgarh
6. Meena Dewangan, Working As Anganbadi Assistant, Anganbadi Center, Barhol, Janpad Panchayat, Ramanujnagar, District- Surajpur, Chhattisgarh

---- Respondents

For Petitioner	Ms. Neeta Choubey, Advocate
For Respondent-State	Shri Satish Gupta, GA

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

13/04/2017

1. Petitioner is aggrieved by the appellate order passed by the Collector, Surajpur, which in turn was directed against the order

dated 24.01.2014, by which the petitioner was removed from the services of Aaganbadi Assistant of Aaganbadi Centre, Schoolpara, Gram Panchayat Barhol, Tahsil Ramanujnagar, District Surajpur.

2. The present writ petition has been preferred after almost 2 years and 4 months from the date of the impugned order. In para 7 of the writ petition, the petitioner would explain the delay in filing the petition to state that she had engaged a lawyer for arguing the appeal before the Collector, however, she lost the contact number of the counsel, therefore, she was not aware of the impugned order. She claims to have derived knowledge about the impugned order in the month of August 2016 and thereafter she collected relevant documents and the impugned order from her counsel. The impugned order bears the endorsement of the Head Copiest of the District Collectorate, Surajpur, wherein the copy has been issued on 11.12.2014. All other certified copies attached with the petition were also obtained on 11.12.2014, therefore, the contention that she obtained the documents in August 2016 does not appear to be correct.
3. Now, coming to the merits of the matter, the petitioner alleges that before passing the order of removal, she was not served any show cause notice, however, copy of the order of removal passed against the petitioner on 24.01.2014 has not been annexed. In the impugned order, the Collector has mentioned that the petitioner is not attending duties for several months and moreover, she refused to accept the show cause notice issued to

her. From the material available on record, the Collector has concluded that several enquiries were conducted and in all of them the petitioner was found guilty and there is recommendation for her removal. The villagers have also deposed against the petitioner that she is not performing duties of the office of Aaganbadi Assistant. The Women and Child Development Health Committee of the concerned gram panchayat has also recommended for petitioner's removal from the office. The Collector eventually concluded that since notices were issued to the petitioner, therefore, it is not a case of violation of principles of natural justice, because if the petitioner has refused to accept the notice and did not file any reply, out of sheer arrogance, she is to blame herself for this situation.

4. The finding recorded by the Collector in the appellate order is in the realm of finding of fact which cannot be disturbed by this Court in exercise of its writ jurisdiction. There being no violation of principles of natural justice, in the facts and circumstances of the case, no case for interference with the impugned order is made out. The writ petition is accordingly dismissed.

Sd-

JUDGE

PRASHANT KUMAR MISHRA

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