HIGH COURT OF JAMMU AND KASHMIR
AT JAMMU
(Through video conference)

SWP No. 1158/2007
IA No. 1653/2007

Neelima Devi .....Appellant(s)/Petitioner(s)

Through :- Mr. V.R. Wazir, Sr. Adv. With
Mr. Abshishek Wazir, Adv.

V/s

State of J&K and others .....Respondent(s)

Through :- Mr. Vishal Bharti, Dy. AG

Coram: HON'BLE MR. JUSTICE DHIRAJ SINGH THAKUR, JUDGE

ORDER
10.12.2020

(Oral)

The petitioner was selected as an Anganwari Helper pursuant to an advertisement issued in the year 2005. An order of appointment in this regard was issued on 19.02.2007 and the petitioner claimed that she had been working thereafter when the order impugned dated 17.05.2007 was issued by the Child Development Project Officer, Drabshalla terminating the services of the petitioner on the ground that she had submitted a fake certificate of her qualification.

From a reading of the order impugned, it appears that the Child Development Project Officer appears to have verified regarding the issuance of

the certificate from the Headmaster of the Government High School, Badhat vide his communication dated 01.05.2007, pursuant to which he was informed that the certificate had not been issued from the said school and was not in accordance with the school records.

Objections have not been filed by the respondents. The matter is quite old and pursuant to an interim order dated 08.06.2007, the operation of the order impugned dated 17.05.2007 was directed to be stayed. The petitioner would have continued working, based upon the said interim order till date.

On a perusal of the order impugned, it does not appear that any opportunity of being heard was granted to the petitioner especially when it has specifically been pleaded that the certificate submitted by her was genuine.

Be that as it may, the order impugned, on the face of it, violates the principles of natural justice, inasmuch as the same was passed without affording any opportunity of being heard to the petitioner. The same being unsustainable in law is, accordingly, quashed. The petitioner is permitted to continue as Anagnwari Helper in Anganwari Center, Dhar. However, it shall be open to the respondents to conduct an enquiry, if so advised, not later than six months from today, in which an adequate opportunity of being heard shall be provided to the petitioner before any final order is passed.

Disposed of accordingly along with connected application.

(Dhiraj Singh Thakur)
Judge

JAMMU
10.12.2020
(Naresh)

NARESH KUMAR
2020.12.17 13:43
I attest to the accuracy and
integrity of this document