

IN THE HIGH COURT OF ORISSA AT CUTTACK

WA No.75 of 2018

Susmita Dey

....

Appellant

Mr. Manoj Kumar Pati, Advocate

-versus-

State of Odisha and others

....

Respondents

Mr. Manoj Kumar Khuntia, Additional Government Advocate

CORAM:

THE CHIEF JUSTICE

JUSTICE M. S. RAMAN

Order No.

ORDER
26.10.2022

03. 1. The Appellant challenges the appointment of Respondent No.5 as Anganwadi Worker (AWW) in respect of Patra Sahi, Nandika Anganwadi Centre (AWC) under the Jaleswar ICDS Project by way of an Anganwadi Appeal Case No.2 of 2015 more than five years after the selection took place in 2010.
2. Without examining the aspect of the delay in filing the said Anganwadi Appeal Case No.2 of 2015, the Additional District Magistrate (ADM), Balasore allowed the appeal on 12th January, 2016 and directed the Selection Committee to look into the matter afresh.
3. The said order dated 12th January, 2016 was challenged by Respondent No.5 in W.P.(C) No.9622 of 2016 which came to be allowed by the learned Single Judge by the impugned order dated 11th January, 2018. The learned Single Judge has observed that the appeal itself was highly belated, and ought not to have been entertained by the learned ADM and on that short ground, has allowed the writ petition setting aside the order of the ADM.

4. Having heard learned counsel for the Appellant, the Court is not persuaded to come to a conclusion different from that arrived at by the learned Single Judge. Indeed, there is no valid explanation why the Appellant waited for five years to challenge the selection of Respondent No.5.

5. Learned counsel for the Appellant sought to suggest that some other person had filed an appeal challenging the selection of Respondent No.5 and this was filed soon after the selection took place. The said appeal was dismissed for non-prosecution in 2013. He accordingly submits that it is not as if the selection of Respondent No.5 was not challenged immediately after it took place.

6. The above explanation still does not explain why the present Appellant kept quiet for more than 5 years to challenge the selection of Respondent No.5.

7. Consequently, the Court is unable to find any error having been committed by the learned Single Judge in passing the impugned order. The writ appeal is accordingly dismissed.

(Dr. S. Muralidhar)
Chief Justice

(M. S. Raman)
Judge

M. Panda