

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No. 616 of 2015

Sanjulata Rout

....

Appellant

Mr. Manoj Kumar Mohanty, Advocate

-versus-

State of Odisha and others

....

Respondents

Mr. Manoj Kumar Khuntia, AGA

CORAM:

THE CHIEF JUSTICE

JUSTICE CHITTARANJAN DASH

ORDER

27.09.2022

Order No.

04.

1. The challenge in the present appeal is to an order dated 8th October, 2015 passed by the learned Single Judge dismissing the Appellant's W.P.(C) No. 8613 of 2013 whereby her challenge to the order passed by the Additional District Magistrate, Kendrapada cancelling her engagement as an Anganwadi worker (AWW) at the Basantpur Additional Angawadi Centre was rejected.

2. As far as the present Appellant, Sanjulata Rout is concerned, it was challenged by Respondent No.4, Smt. Bhagabati Jena on the ground that she had not submitted any affidavit in support of her permanent residence. An order was passed by the learned Single Judge on 18th June, 2015 requiring the Crime Branch to investigate into the matter and submit a report. Pursuant to the above order, the Crime Branch submitted a report from which it was noticed, as far as the present Appellant is concerned, stating therein that she had not submitted any affidavit regarding proof of her residence and yet the Selection Committee had recommended her appointment.

3. The fact of the matter is that during the pendency of the writ petition before the learned Single Judge, there was a stay of the disengagement of the present Appellant. Even when the present appeal was pending in the court, by virtue of an order dated 11th April 2016, there was a stay of the order dated 4th April, 2013 of the ADM, Kendrapada. In other words, ever since her engagement on 9th May, 2011 till date i.e. for over 11 years now, the Appellant has continued as such.

4. The short ground on which the challenge is led to the impugned order of the learned Single Judge is that the report of the Crime Branch was prepared without any notice to the present Appellant and there was no occasion for the Appellant to produce materials before the Crime Branch in support of her plea that she was a permanent inhabitant of village Basantpur and also produce the residential certificate issued by the Tahasildar, Rajnagar. Indeed, it does appear from the order of the learned Single Judge that there was no notice to the present Appellant when the report of the Crime Branch was prepared. There should have been an opportunity granted to the Appellant to contest the report of the Crime Branch as it was going to adversely affect her engagement as AWW. On that ground, the Court sets aside the impugned order of the Single Judge and allows the writ appeal, but in the circumstances with no order as to costs. The corresponding order of the ADM is also set aside.

(Dr. S. Muralidhar)
Chief Justice

(Chittaranjan Dash)
Judge