

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 14384 of 2022

Janaki Dash

..... Petitioner

Mr. Aurovinda Mohanty, Advocate

-versus-

State of Odisha and others

.... Opp. Parties

Mr. Gajendra Nath Rout,
Additional Standing Counsel

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

07.06.2022

Order No.

1. This matter is taken up through Hybrid mode.
2. Petitioner in this writ petition seeks for a direction to set aside the letter of disengagement dated 20th January, 2022 (Annexure-2) and also the notification dated 23rd May, 2022 (Annexure-5) issued by Child Development Project Officer (CDPO), Khordha- Opposite Party No.5.
3. Mr. Mohanty, learned counsel for the Petitioner submits that the Petitioner was working as an Anganwadi Worker in Bangida Anganwadi Centre under the Integrated Child Development Scheme (ICDS) Project, Khordha. Before attaining the age of superannuation, i.e., 60 years, she had submitted her willingness for further extension of two years of her engagement in view of the guidelines issued vide Circular No.39657 dated 2nd March, 2019 by the Government of Odisha in the Department of Women and Child Development & Mission Shakti. But, without considering the same, Order under Annexure-2 was issued by the CDPO, Khordha-Opposite Party

No.5 disengaging her on attaining the age of superannuation, i.e., 60 years. Immediately thereafter, the Petitioner made an application expressing her willingness to continue for further period of two years. The same was not considered and on the other hand notification vide Annexure-5 was issued for engagement of Anganwadi Helper. In that view of the matter, the Petitioner finding no other alternative has filed the present writ petition.

3.1 It is further submitted by Mr. Mohanty, learned counsel that the writ petition in W.P.(C) No.9477 of 2022 involving similar question of fact and law, has been disposed of by this Court on 29th April, 2022 with a direction that if the Petitioner makes an application in prescribed format along with copy the said order to the Sub-Collector, Khordha within a period two weeks for extension of her engagement, the same shall be considered in accordance with law and decision shall be taken on the said application within a period of four weeks therefrom giving opportunity of hearing to the Petitioner. Therefore, Mr. Mohanty, learned counsel prays for disposal of the writ petition in the light of the order passed in W.P.(C) No.9477 of 2022.

4. Mr. Rout, learned ASC refuting such submission contends that since the notification for fresh selection of Anganwadi Helper for Bangida Anganwadi Centre has already been issued, application of the Petitioner for extension of her engagement cannot be considered. She may, however, participate in the selection process for engagement, if the Petitioner fulfils the criteria mentioned in the advertisement.

5. Taking into consideration the submissions of learned counsel for the parties and the guidelines dated 2nd March, 2019 issued by the Government of Odisha for extension of engagement of Anganwadi Helper for a period of two years beyond 60 years, i.e., on attaining the age of superannuation, the application of the Petitioner expressing her willingness for extension of service should have been considered in accordance with law.

6. It is, therefore, directed that since the Petitioner has already submitted her application for extension of her engagement for a further period of two years, the same shall be considered by the Sub-Collector, Khordha-Opposite Party No.4 in accordance with law, as expeditiously as possible, preferably within a period of four weeks from the date of production of certified copy of this order and the decision thereof shall be communicated to the Petitioner.

7. With the observation and direction, as aforesaid, the writ petition stands disposed of.

Issue urgent certified copy of the order on proper application.

(K.R. Mohapatra)
Vacation Judge