

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No. 18932 of 2022

Madhusmita Mohanty

.... **Petitioner**

Ms. Bini Mishra, Advocate

- Versus -

State of Odisha and others.

.... **Opposite Parties**

Mr. N.K. Praharaj,
Addl. Govt. Advocate

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

01.08.2022

Order No.
02.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Addl. Government Advocate for the State.
3. The petitioner was selected as Anganwadi Worker for Anganwadi Center of Ward No. 22 of Balasore Town. The resident certificate issued by the Tahasildar, Soro was challenged by opposite party no.7 on the ground that she is not a resident of the area and that the resident certificate obtained by her is not genuine. The matter was taken to the court of Sub-Collector, Balasore in Misc. Appeal No. 29 of 2017. After making necessary enquiry, the Sub-Collector vide order dated 30.06.2022, set aside the order passed by the Tahasildar in Misc. Certificate Case No.7708 of 2016, as per which the resident certificate has been issued in favour of the petitioner.
4. Challenging the engagement of the petitioner, another candidate, namely, Kabita Murmu had raised a grievance before this Court in W.P.(C) No. 495 of 2019, whereby, this Court directed the Collector to dispose of the representation of the petitioner (Kabita Murmu) by passing a reasoned order. As such, vide order dated

07.08.2020, the Collector specifically found that the resident certificate issued in favour of the petitioner is genuine. In the meantime, being aggrieved, the opposite party no.7 preferred an appeal being Anganwadi Appeal No. 3 of 2017 before the learned Additional District Magistrate, which is presently pending. The petitioner's grievance before this Court is two fold-firstly, the appeal needs to be disposed of expeditiously and secondly, the learned ADM, Balasore having himself passed the order in Misc. Certificate Appeal as the Sub-Collector, should not hear the appeal.

5. In view of the submissions as above, this Court deems it proper to dispose of the writ petition directing the Collector, Balasore to either hear the appeal himself or to direct any other Officer of the rank of the ADM to hear the appeal in case he is satisfied that the same officer, who had passed the order in Misc. Appeal No. 29 of 2017 as Sub-Collector, Balasore is presently hearing the Anganwadi Appeal No. 3 of 2017 in keeping with principle that no person shall be the judge of his own cause. Secondly, the appeal should also be disposed of as expeditiously as possible, preferably within a period of two months from the date of communication of this order or on production of certificate copy thereof by the petitioner.

6. Writ petition is disposed of.

7. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana