

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No. 29148 of 2022

Rasmita Garnaik

....

Petitioner

Mr. L. Mohanty, Advocate

-versus-

**1. Collector & District
Magistrate, Deogarh,
Deogarh**

2. Sub-Collector, Deogarh

**3. Child Development
Project Officer, Barkote**

....

Opp. Parties

*Mr.Arupananda Das,
Addl. Government Advocate*

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
10.11.2022**

Order No.

01. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard learned counsel for the petitioner as well as learned Addl. Government Advocate for the State of Odisha.

In this writ petition, the petitioner Rasmita Garnaik, who on the basis of order dated 07.03.2019 passed by the C.D.P.O, Barkote opposite party no.3, posted as Anganwadi Worker in village Saida-I under Kadopada Gram Panchayat has challenged her disengagement order dated 30.08.2022 passed by the

Sub-Collector, Deogarh (opposite party no.2).

It is the contention of the learned counsel for the petitioner that the principle of natural justice has not been followed even though an explanation has been submitted before the authorities for remaining absent in the duty but without giving an opportunity of personal hearing, the disengagement order has been passed and therefore, the same should be set aside.

At this stage, Mr. Arupananda Das, learned Addl. Government Advocate drew attention of this Court to the guidelines for engagement of Anganwadi Workers issued by the Government of Odisha, Women and Children Development Department dated 02.05.2007 wherein it is stated, inter alia, that an Anganwadi Worker can be disengaged by the Sub-Collector if any serious or persistent lapse is noticed in her work and the Anganwadi Worker will be given an opportunity to show cause against the action proposed to be taken against her and personal hearing by the Sub-Collector. Mr. Das, learned counsel has further pointed out that the Collector shall be the appellate authority in the hearing of disengagement of Anganwadi worker.

Considering the submission made by the learned counsel for the respective parties and since an appellate forum is available for challenging the impugned order under Annexure-4, this writ petition is disposed of with an observation that in case the

petitioner approaches the appellate authority by preferring an appeal within a period of four weeks from today, the same shall be considered in accordance with law by the opposite party no.1 after giving an opportunity of hearing to the respective sides.

With the aforesaid observation, this writ petition is disposed of.

Urgent certified copy of this order be granted on proper application.



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