



W.P.No.7880 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE **P.B.BALAJI**

W.P.No.7880 of 2016  
and W.M.P.No.7023 of 2016

R.Janaki

...Petitioner

-Vs-

1. The District Collector,  
Nagapattinam District,  
Nagapattinam.
2. The District Programme Officer,  
The District Programme Office,  
Integrated Child Development Scheme,  
Nagapattinam.
3. The Child Development Project Officer,  
Child Development Planning Office,  
Kuthalam, Kuthalam Taluk,  
Nagapattinam District.

... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent in his proceedings Na.Ka.No.340/A3/2015 dated 19.10.2015 and quash the proceedings therein dismissing the petitioner from service as illegal, incompetent, irregular and liable to be set aside and directing the first respondent to reinstate the petitioner as



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worker in the Anganwadi centre and to grant back wages and all incidental service benefits.

For Petitioner : Ms.M.Abbiraami  
For Mr.M.R.Kuyilan

For Respondents : Mr.V.Arun  
Additional Advocate General  
For Mr.R.Kumaravel  
Additional Government Pleader

### **ORDER**

This Writ Petition has been filed by the Anganwadi worker seeking to set aside the proceeding in Na.Ka.No.340/A3/2015 dated 19.10.2015 and consequently, reinstate the petitioner as Anganwadi Worker in the Anganwadi centre and to grant back wages and all incidental service benefits.

2. The grievances of the petitioner is that she has been working in the Anganwadi Centre right from 2008 without any complainants. In 2015, a show cause notice was issued to her, framing nine charges. The petitioner gave a detailed explanation to all the nine charges and prayed for revoking the suspension and consequently to reinstate her. Despite the same, the second respondent proceeded to issue another notice, citing



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nine other new charges. For this show cause notice also, the petitioner gave her detailed objections dated 11.06.2015.

3. Thereafter, the third respondent called upon the petitioner for an enquiry on 11.09.2015. The petitioner attended the enquiry and gave her detailed explanation. However, the enquiry officer gave an adverse report by not accepting the explanation given by her. Based on the report, the petitioner was terminated from service, in and by the impugned proceedings.

4. The petitioner's grievance is that she was not afforded a fair opportunity to meet the findings of the enquiry officer who filed his report; the impugned order is totally illegal and against law; the respondents have failed to consider the explanations offered by the petitioner to both show cause notices; the signature of the petitioner was obtained by the second respondent under coercion and threat.

5. Heard the learned counsel appearing for the petitioner and the learned Additional Advocate General appearing for the respondents.



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6. The learned Additional Government Pleader submitted that all the charges have been very grave and there are several complaints against the petitioner in the locality and therefore absolutely no indulgence is to be shown to the petitioner.

7. Per contra, the learned counsel appearing for the petitioner would submit that he has made enquiries with the very same persons in the locality who are alleged to have complained against the petitioner and they have denied having given any such complaint and they are ready to give an affidavit before this Court in this regard.

8. These aspects cannot be gone into under Writ jurisdiction. In view of the fact that pursuant to the findings of the enquiry officer, the petitioner was not given a personal hearing to explain the findings against her and also in view of the statement made by the learned counsel appearing for the petitioner across the bar today, that the persons who have allegedly given complaints are willing to come and state that they never complained against the petitioner and taking into all the factors, this Court passes the following order:-



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The second respondent shall conduct a fresh enquiry giving a fair opportunity to the petitioner to meet the findings of the enquiry officer and also in respect of the charges framed against the petitioner, including opportunity to the petitioner to examine the neighbours/persons in the locality who have now come forward and informed her that they were never complained about the petitioner, at the time of enquiry by the second respondent. The above said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this Order. If the second respondent finds that the charges are not proved then the petitioner may be considered for re-employment, revoking her termination.

9. With the above directions, the Writ Petition stands disposed of. Consequently, connected miscellaneous petition is closed. There shall be no order as to cost.

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Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

rts



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**P.B.BALAJI. J.**

rts

To

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Nagapattinam District,  
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