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W.P.(MD)NO.9515 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.9515 of 2023 AND
W.M.P.(MD)No.8489 of 2023

Kasupandiammal

... Petitioner

Vs.

1. The District Collector,
O/o.The Collectorate,
Madurai.
2. The Integrated Child Welfare Department,
District Child Protection Officer,
Collectorate,
Madurai.
3. The Child Welfare Program Officer,
Thirumangalam,
Madurai District – 625 706.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 1st respondent in Se.Mu.Na.Ka.No.584/A1/2022 dated 31.03.2023 and quash the same as illegal and consequently direct the 1st respondent herein to reinstate petitioner in the post of Anganwadi Paniyalar at the 3rd respondent office with all monetary benefits.



For Petitioner : Mr.J.Senthil Kumaraiah

For Respondents : Mr.T.Villavan Kothai,
Additional Government Pleader.

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ORDER

Heard the learned counsel on either side.

2. The petitioner was appointed as Anganwadi Paniyalar on 10.02.2011. By the impugned order dated 31.03.2023, the first respondent had summarily dismissed the petitioner from service. It appears that the petitioner is involved in quite a few criminal cases. After referring to that, the first respondent had dismissed the petitioner from service. Challenging the same, the present writ petition came to be filed.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to set aside the impugned order and grant relief as prayed for.



4. The respondents have filed counter affidavit. The learned Additional Government Pleader took me through its contents. The prime argument of the respondents is that the petitioner is only a contractual employee and that therefore it is open to the respondents to disengage the petitioner. The respondents have not acted arbitrarily. The impugned order would say that they have various grounds not to retain the petitioner in service. He pressed for dismissal of the writ petition.

5. I carefully considered the rival contentions and went through the materials on record.

6. It is true that the petitioner was working only as Anganwadi worker. But the impugned order in the writ petition is stigmatic in nature. My attention is drawn to the order dated **03.09.2019** passed by the Hon'ble Division Bench in ***W.A.No.1995 of 2018 (The Collector, Krishnagiri District V. K.Krishnaveni)***. In the said case, the Anganwadi worker was involved in a criminal case and she was dismissed from service without holding any enquiry. A learned Judge of this Court vide order dated **06.07.2015** in W.P.No.19677 of 2015, set aside the impugned dismissal order. Challenging the same, the department had filed W.A.



No.1995 of 2018. The Hon'ble Division Bench after elaborately considering the petitioner's contentions, dismissed the appeal. The said order of the Hon'ble Division Bench squarely applies to the case on hand. Since the impugned order is stigmatic in nature and no enquiry was conducted, I find that it is a case of clear violation principles of natural justice. On this ground, the order impugned in this writ petition is set aside. The writ petition stands allowed. The respondents shall reinstate the petitioner forthwith. Liberty is given to the respondents to take action as per law. No costs. Consequently, connected miscellaneous petition is closed.

27.06.2023

NCS : Yes / No
Index : Yes / No
Internet : Yes / No
PMU

To:

1. The District Collector,
O/o.The Collectorate,
Madurai.
2. The Integrated Child Welfare Department,
District Child Protection Officer,
Collectorate, Madurai.
3. The Child Welfare Program Officer,
Thirumangalam,
Madurai District – 625 706.



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G.R.SWAMINATHAN,J.

PMU

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