



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.5755 OF 2025

1. Jainobee w/o. Babu Sayyad,
2. Shanta w/o Dagdu Sonvane ... **PETITIONERS**

VERSUS

1. The State of Maharashtra
through its Secretary,
Women and Child Development Department,
Mantralaya, Mumbai – 32.
2. The Chief Executive Officer,
Zilla Parishad, Dharashiv,
Tq. and Dist. Dharashiv - 413501
3. The Deputy Chief Executive Officer
(Child Development),
Zilla Parishad, Dharashiv,
Tq. and Dist. Dharashiv- 413501.
4. The District Program Officer,
(Women and Child Development),
Zilla Parishad, Dharashiv,
Tq. and Dist. Dharashiv - 413501.
5. The Child Development Project Officer,
Integrated Child Development
Services Scheme, Project Ter,
Tq. and Dist. Dharashiv – 413501 ... **RESPONDENTS**

...
Advocate for the Petitioners : Mr. Manoj T. Shelke
AGP for Respondent No.1 : Ms. Chaitali Chaudhari - Kutti
Advocate for Respondents No.2 and 5 : Mr. N.J. Patil

...
CORAM : ABASAHEB D. SHINDE, J.

DATE : 25.11.2025

JUDGMENT (ABASAHEB D. SHINDE, J.) :

1. Heard. Rule. Rule is made returnable forthwith. With the consent of the parties the matter is heard finally at the stage of admission.

2. The petitioners in this petition have challenged the order dated 13.02.2024 passed by the respondent No.5 - the Child Development Project Officer, Taluka and District Dharashiv, by which the services of the petitioners have been brought to an end as well as the order dated 04.03.2025, passed by the respondent No.2 - The Chief Executive Officer, Zilla Parishad, Dharashiv, by which the appeal filed by the petitioners challenging order dated 13.02.2024 has been dismissed.

3. It is contention of the petitioners that the petitioner No.1 was working as Anganwadi worker, whereas, the petitioner No.2 was working as Anganwadi helper, in Anganwadi Center No.517 situated at village Takali (Dhoki) under the project Ter, District Dharashiv. The petitioners contend that the petitioners have put in 32 years of service on their respective posts and their services were unblemished and without any complaint whatsoever. It is further contended that during the period from 04.12.2023 to 25.01.2024, since on account of strike of Anganwadi workers across the State of Maharashtra, some home delivered nutritional food at Anganwadi center could not be utilized and those have become contaminated and infected with insects and cobwebs therefore as per the petitioners contention due to said contamination the petitioners took the said nutritional foods for the purpose of cleaning from the Anganwadi center at some distance.

4. The petitioners further contend that some villagers of village Takali (Dhoki) made complaint with the respondent No.5 alleging that

the petitioners have committed theft of the said nutritional food, as a result of which the respondent No.5 issued show cause notice to the petitioners on 31.01.2024, thereby, calling upon their explanation in respect of the alleged misconduct within three days by further observing that if the explanation of the petitioners is found to be unsatisfactory, appropriate action will be taken against the petitioners in view of the Government Resolution dated 12.04.2007 (herein after called as “the said Government Resolution”).

5. The petitioners contend that accordingly, the petitioners submitted their explanation to the said show cause notice, thereby, stating that the petitioners have not committed misconduct nor the petitioners have committed theft of the nutritional food but the said nutritional food was taken for the purpose of cleaning at some distance. However, it has been misunderstood as if the petitioners having committed theft of the same and therefore it is requested that no action be taken against the petitioners. The petitioners further contend that without considering the explanation offered by the petitioners, the respondent No.5 by an unreason and cryptic order dated 13.02.2024 brought the services of the petitioners to an end with effect from 14.02.2024.

6. The petitioners further contend that the petitioners therefore preferred an appeal before the respondent No.2 as per the said Government Resolution, *inter alia* reiterating that the petitioners have

put in unblemished service as Anganwadi worker and Anganwadi helper respectively with the said center for last 32 years, however without recording subjective satisfaction about the explanation offered by the petitioners, and without giving one chance for improvement of performance contemplated under Clause 3(1) (2) of the said Government Resolution, the respondent No.5 by order dated 13.02.2024, brought the petitioners services to an end. It is further contended by the petitioners that the respondent No.2, however, without taking into consideration the above contentions raised by the petitioners, in their appeal, dismissed the same and confirmed the order passed by the respondent No.5 vide impugned order dated 04.03.2025. The petitioners, therefore, are before this Court challenging the aforesaid orders.

7. Learned counsel for the petitioners submits that it is an admitted fact that the petitioners have put in their services as Anganwadi worker and Anganwadi helper respectively for last 32 years and their services are unblemished and prior to said alleged incident there are no complaints whatsoever against them either by the authorities or the villagers. The learned counsel further submits that in the light of the said Government Resolution, before taking any action against the petitioners, the respondent No.5 ought to have taken prior approval of the respondent No.3 – the Deputy Chief Executive Officer (Child Development). The learned counsel for the petitioners further submits that the said Government Resolution also contemplates that if the

explanation offered by the Anganwadi worker and Anganwadi helper is found to be unsatisfactory, in that case considering the past service of the said Anganwadi worker or the Anganwadi helper, one chance should be given to the said Anganwadi worker or Anganwadi helper to improve her performance.

8. It is further submitted by the learned counsel for the petitioners that the order of removal of the petitioners suffers on account of non-adherence to the provision of the said Government Resolution. It is further submitted that even while an appeal is provided for challenging an order of removal before the respondent No.2, the appellate authority without taking into consideration the contentions raised by the petitioners has recorded the finding in a single line, thereby, holding that the petitioners' conduct is blameworthy for taking the nutritional food outside the Anganwadi center without taking prior permission and, thus, dismissed the appeal and confirmed the order passed by the respondent No.5 vide order dated 04.03.2025. The learned counsel for the petitioners, therefore, submits that considering the fact that the orders impugned suffer on account of non-adherence to the said Government Resolution, the same are liable to be quashed and set aside.

9. The learned counsel for the respondents No.2 to 5 relying on the affidavit-in-reply contended that the respondent No.5 received the complaints from the villagers of Takali (Dhoki) regarding theft of nutritional food at the behest of petitioners and, therefore, the

respondent No.5 issued show cause notice to the petitioners, thereby, calling their explanation as to why an action should not be taken against them. It is further contended by learned counsel for the respondents No.2 to 5 that the action of bringing the services of petitioners to an end is also based on the Panchanama drawn in respect of carrying the nutritional food outside the Anganwadi center. It is also contended that after the services of petitioners were brought to an end, the respondent No.5 has appointed other candidates in the place of petitioners.

10. Learned counsel for the respondents No.2 to 5 would submit that the orders impugned have been passed after taking into consideration the complaints filed by the villagers so also Panchanama of taking the nutritional food outside the Anganwadi center without prior permission with intend to commit theft of the said nutritional food. The learned counsel for the respondents No.2 to 5 would also submit that though respondent No.5 called explanation from the petitioners, however, the same is found to be unsatisfactory, and thus the respondent No.5 was justified in passing an order of removal of petitioners from their respective posts. The learned counsel further submits that even order passed by the respondent No.2 is also legal and proper for the reason that the respondent No.2 did not find any error in the order passed by the respondent No.5 dated 13.02.2024, and, therefore, prayed for dismissal of writ petition.

11. After considering the submissions advanced by the learned

counsel for the petitioners as well as the learned counsel for the respondents No.2 to 5, it would be apt to reproduce the relevant provision of the said Government Resolution in verbatim and more particularly Clause 3 which reads thus :

"३. अंगणवाडी स्तर :-

१. संबंधित अंगणवाडी कार्यकर्ती, मदतनीस व मिनी अंगणवाडी कार्यकर्ती यांना कारणे दाखवा नोटीस देवून त्यांचा रितसर खुलासा घ्यावा. अंगणवाडी कार्यकर्ती, मदतनीस व मिनी अंगणवाडी कार्यकर्ती यांनी हेतुपुरस्सर गैरव्यवहार केला आहे अशी खात्री पटल्यास त्या अंगणवाडी कार्यकर्ती, मदतनीस व मिनी अंगणवाडी कार्यकर्ती यांची एकंदरीत पार्श्वभूमी लक्षात घेवून त्यांना कामात सुधारणा करण्यासाठी एक संधी देण्यात यावी.

२. संधी देवूनही अंगणवाडी कार्यकर्ती, मदतनीस व मिनी अंगणवाडी कार्यकर्ती यांच्या कामात सुधारणा झाली नाही, किंवा तिचा खुलासा संयुक्तिक / समर्थनीय नसल्याची खात्री पटल्यास नागरी प्रकल्पाच्या बाबतीत बाल विकास प्रकल्प अधिकारी यांनी संबंधित मानधनी कर्मचा-यास सेवेतून तात्काळ कार्यमुक्त करावे. तसेच ग्रामीण व अदिवासी प्रकल्पाच्या बाबतीत बालविकास प्रकल्प अधिकारी यांनी उप मुख्य कार्यकारी अधिकारी (बा.क.) यांची मान्यता घेऊन संबंधितास मानधनी कर्मचा-यास सेवेतून तात्काळ कार्यमुक्त करावे.

३. कार्यमुक्त केलेल्या अंगणवाडी कार्यकर्ती किंवा मदतनीस किंवा मिनी अंगणवाडी कार्यकर्तीचा कार्यभार स्थानिक उपलब्ध असलेल्या दुस-या अंगणवाडी कार्यकर्तीकडे, मदतनीस किंवा मिनी अंगणवाडी कार्यकर्तीकडे तात्पुरत्या स्वरूपात हस्तांतरीत करावे. आणि अशा रिक्त झालेल्या किंवा रिक्त होणा-या जागेवर दुस-या उमेदवाराची नव्याने नेमणुकीची कार्यवाही प्रचलित शासन निर्णयानुसार व विहित कार्यपद्धतीनुसार मुख्य कार्यकारी अधिकारी / जिल्हा महिला व बाल विकास अधिकारी यांनी करावी.

४. वरील कार्यपद्धतीचा अवलंब करून अंगणवाडी सेविका, मदतनीस व मिनी अंगणवाडी कार्यकतीच्या विरुद्ध कारणे दाखवा नोटीस जारी करणे, त्यांचा खुलासा प्राप्त करून त्यांच्या विरुद्ध कारवाई करण्याचे अधिकार, नागरी प्रकल्पाच्या बाबतीत बालविकास प्रकल्प अधिकारी, तसेच ग्रामीण आणि आदिवासी प्रकल्पाच्या बाबतीत, बाल विकास प्रकल्प अधिकारी व उपमुख्य कार्यकारी अधिकारी (बालकल्याण) जिल्हा परिषद यांना देण्यात येत आहेत. तसेच वरील कार्यवाहीच्या विरुद्ध अपिल करण्याची संधी मिळावी यासाठी ग्रामीण व आदिवासी प्रकल्पासाठी संबंधित जिल्ह्याचे मुख्य कार्यकारी अधिकारी, जिल्हा परिषद आणि नागरी प्रकल्पासाठी आयुक्त, एकात्मिक बाल विकास सेवा योजना यांना अपिलीय अधिकारी म्हणून घोषित करण्यात येत आहे.”

12. From a bare perusal of clause 3(1) and (2) of the said Government Resolution, it is evident that before taking action of removal of any Anganwadi worker or Anganwadi helper after finding her explanation about alleged misconduct unsatisfactory, in that case, she deserves to be given one chance of improving her performance and if the said alleged misconduct persists even after giving one chance to improve her performance then, the respondent No.5 may bring the services of the said Anganwadi worker and Anganwadi helper to an end with prior approval of the respondent No.2.

13. In the instant case, as stated above, the petitioners were working on the respective posts for last 32 years with unblemished service and this appears to be the first incidence of alleged misconduct at the behest of petitioners. However, the respondent No.5 without adhering to the said provision of Clause 3 (1) of the said

Government Resolution, straightaway passed an order dated 13.02.2024, thereby, bringing the petitioners services to an end without recording subjective satisfaction as to why the explanation offered by the petitioners is found to be unsatisfactory as well as without obtaining prior approval of respondent No.2 before passing an order dated 13.02.2024, which is also one of the pre-requisite as contemplated under Clause 3(2) of the said Government Resolution. Therefore, even assuming though not admitting that the respondent No.5 having found the explanation offered by the petitioners to be unsatisfactory, it ought to have given one chance to improve their performance.

14. In that view of the matter, I am of the considered view that, if at all the genesis for taking action against the petitioners is the said Government Resolution, in that case, the respondent No.5 cannot take a departure from the procedure as contemplated under Rule 3(1) and (2) of the said Government Resolution. So far as order dated 04.03.2025 passed by the respondent No.2, thereby dismissing the appeal of the petitioners it is pertinent to note that, the respondent No.2 itself has observed that it is not the case of theft of the nutritional food but it could be at the most said that the said nutritional food was taken outside the Anganwadi center without taking prior permission. If that is so, the respondent No.2 ought to have allowed the appeal filed by the petitioners. On the contrary, the respondent No.2 by showing total non-application of mind and without adverting to the grounds raised by

the petitioners about non-compliance of Clause 3(1) and (2) of the said Government Resolution dismissed the appeal filed by the petitioners by cryptic and unreasoned order.

15. In view thereof, I am of the considered view that, this is a fit case where the interference under Article 227 of the Constitution is warranted. It is settled position of law that this Court can interfere with the orders passed by the authorities under Article 227 of the Constitution of India if the orders are found to be either arbitrary, unreasonable or perverse. Since the orders passed by both respondent No.5 as well as respondent No.2 are perverse, arbitrary and unreasonable as they suffer on account of non-compliance of the provisions of Clause 3(1) and (2) of the said Government Resolution, they deserve to be quashed and set aside.

16. As far as the contention of respondents No.2 to 5 that after removal of petitioners from their respective posts other candidates have been appointed vide order dated 30.04.2024 is concerned, perusal of appointment orders issued in favour of those candidates depicts that those appointments have been made subject to outcome of this writ petition, therefore, since the order impugned is erroneous and liable to be quashed and set aside, the petitioners deserve to be reinstated on their respective posts and, therefore, the submission of respondents No.2 to 5 in that regard is unacceptable.

17. Hence, the following order :

ORDER

- A. The writ petition is allowed.
- B. The impugned order dated 13.02.2024 passed by respondent No.5 and order dated 04.03.2025 passed by respondent No.2 are hereby quashed and set aside.
- C. The respondents are directed to reinstate the petitioners on the posts of Anganwadi worker and Anganwadi helper respectively in Anganwadi No.517 situated at village Takali (Dhoki), Tq. and District Dharashiv, within four (4) weeks from today.
- D. Rule is thus made absolute in above terms with no order as to costs.

(ABASAHEB D. SHINDE, J.)