



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1072 OF 2024

Mayadevi D/o. Shrimant Chimane,
@ Mayadevi w/o. Datta Gaikwad
Age 48 years, Occ. Nil.
R/o. At Wadgaon (Ganja)
Tq. Lohara, Dist. Osmanabad.

.. Petitioner.

VERSUS

1. The State of Maharashtra
through the Secretary,
Women and Child Development Department,
Mantralaya,
Mumbai-32.
2. The Chief Executive Officer,
Zilla Parishad, Osmanabad.
3. The Child Development Project Officer,
Integrated Child Development Scheme,
Taluka Lohara, District Osmanabad.

.. Respondents.

Mr. Visnwajeet Ramesh Jain, Advocate for petitioner.
Mr. Subas B. Ghute, Advocate for respondent No.2
Mr. S.J. Salgare, Advocate for respondent No.1.

CORAM : MEHROZ K. PATHAN, J.

RESERVED ON : 3rd OCTOBER, 2025.
PRONOUNCED ON : 17th OCTOBER, 2025.

JUDGMENT :-

1. Heard. Rule. Rule made returnable forthwith. Heard finally
with the consent of learned counsel for the parties.

2. The petitioner has filed the present petition, thereby, praying for issuance of a writ of Mandamus or any other appropriate writ, order or direction for quashing and setting aside the order dated 13th October 2023 passed by the respondent No. 3 terminating her services as “*Anganwadi karyakarti*” with a further direction to the respondent No.2 to allow the petitioner to join her services as *Anganwadi karyakarti* with continuity of her service with effect from 1. 1. 2022.

3. It is the contention of the petitioner that she worked as *Anganwadi Karyakarti* for 20 years and there was no complaint of any misconduct or misappropriation on her part for the last 20 years. One Hanumanth Danane committed suicide on 25/09/2021 at village Vadgaon Ganja. Her name was shown to be written in the suicide note left behind by the deceased, wherein, he had held the petitioner responsible for commission of suicide. The FIR came to be lodged for the offence punishable under Section 306 of IPC and the petitioner was arrested on 26.9.2021 in the said Crime No. 207 of 2021. The petitioner was granted regular bail by this Court vide order dated 9.12.2021.

4. The petitioner, after obtaining bail had approached the authorities vide application dated 9.3.2022 to the office of the respondent No.3 asking them to allow the petitioner to join her services back. The District Program Officer though had received the application dated 9th March 2022 submitted by the petitioner, however, no action was taken. The District Programme Officer instead of taking some decision had referred the matter to the Law Officer of the Zilla Parishad to seek his legal opinion. The District Programme officer had made a noting in the office notes stating that there are no regulations which governs the termination of *Anganwadi sevika* nor any Disciplinary Rules which lays down procedure to be adopted before taking back such person

in service or to terminate her services. In this background, the District Program Officer has sought opinion from the Panel Advocate for the Zilla Parishad. The Panel Advocate, had given a suggestion to call upon a meeting of the villagers and decide the case by majority whether to reinstate the petitioner or not?

5. The petitioner was issued a show cause notice dated 9th August 2023 thereby informing about the offence registered against her and to explain and show cause as to why her services should not be terminated. The petitioner, replied to the said show cause notice and submitted her explanation. The petitioner was supplied a copy of the Resolution and Inquiry Report dated 29th August 2023 conducted by the Sarpanch and others in village Vadgaon Ganja and informed that the resolution is passed by majority to the effect that the petitioners services shall be terminated. The D. P. O issued order dated 13th October, 2023 thereby informing the petitioner that her services are terminated with retrospective effect from 25th September 2021. Aggrieved by this termination order dated 13/10/2023 the petitioner has approached this court challenging her termination on various grounds.

6. Mr. Vishwajeet Jain, the learned counsel for the petitioner submitted that in the absence of any procedure prescribed by the government to regulate the matters of conducting an inquiry against Anganwadi workers, the procedure adopted by the District Programme Officer at the advice of Panel Advocate is patently illegal and does not have any basis in law, therefore, the subsequent action of termination of services of the petitioner is, therefore, illegal and liable to be set aside.

7. Learned counsel for the petitioner further submits that the law as regards misconduct of Anganwadi workers is governed by the Government Resolution 12.4.2007, wherein, what action is to be

undertaken against an Anganwadi Workers for their misconduct is contemplated. The Government Resolution dated 12.4.2007, clause (3) provides for issuing a show cause notice to explain, and if the explanation submitted by the Anganwadi Workers is not satisfactory, one chance is to be given to improve their performance. Sub-clause (2) of clause (3) also provides that even after giving one chance, if there is no improvement in the conduct of the Anganwadi Worker, the Project Officer of Child Development Project, can terminate the services of such employee.

8. The Counsel for the Petitioner submits that though there is a ground raised in the petition that G.R. dated 12.04.2007 would not apply in the present case, however he had in the alternate submitted if the G.R. dated 12.04.2007 is relied upon by the authorities as could be seen from the noting then the same out to have been followed in its letter and spirit. The impugned order of termination is liable to be quashed and set aside as there was no chance given to the petitioner if the explanation was not found to be satisfactory and the impugned order does not state that the explanation is not found satisfactory.

9. It is further submitted that the composition of the entire Inquiry Committee is itself illegal, inasmuch as, the Rules or the Govt. Resolution does not provide for holding any such meeting of the villagers before taking action on the alleged misconduct on the part of the Anganwadi worker. The procedure adopted by the authority therefore is misconceived and hence, the termination order is liable to be set side.

10. Per contra, Mr. Suhas Ghute, the learned counsel for the respondent Zilla Parishad vehemently submits that the petitioner was arrayed as an accused in Crime No. 207 of 2021 and was required to be arrested in the crime. The petitioner was behind bars for 84 days. The petitioner was accused of a serious offence which is punishable with ten

years' of imprisonment and hence looking to the gravity of the matter, the Project Officer decided to seek a legal opinion of the Panel Advocate of the Zilla Parishad. Accordingly a show-cause notice was issued. The explanation submitted by the petitioner was found to be not satisfactory and as such the meeting of the villagers, where the petitioner was working as Anganwadi worker, was called. In the meeting dated 29.8.2023, the families residing in the village had attended and expressed their opinion whether to allow the petitioner to work as Anganwadi Worker. Six families voted in favour of the petitioner that she be allowed to work, however, there were 28 villagers who had opposed the rejoining of the petitioner as Anganwadi Worker. The inquiry committee constituting the Tanta Mukti Adhyaksha, Sarpanch and others have taken a decision that the Chief Executive Officer of the Zilla Parishad shall take appropriate action for the misconduct of the petitioner and take a decision on her request for rejoining as Anganwadi Worker. However, the committee further decided to immediately appoint another Anganwadi Worker in the village, so that the students do not suffer loss of their education. It is submitted that the procedure adopted by the Project Officer is, therefore, just and proper, after complying with the principles of natural justice and therefore, liable to be upheld. It is after application of mind to the facts and circumstances of the case that the final decision of terminating the services of the petitioner was taken. The impugned order dated 13.10.2023, terminating the services of the petitioner w.e.f. 25.9.2021 is, therefore, just and proper and does not call for interference by this Court.

11. Learned counsel for respondent Mr. Suhas Ghute further submits that the District Programme Officer, Woman and Child Development, is the Deputy Chief Officer of Child Development, Zilla Parishad and therefore, the entire procedure having been adopted with the concurrence of Deputy Chief Executive Officer, who is the District

Programme Officer, there is no substance in the argument that the procedure as laid down in the Govt. Resolution dated 12.4.2007 was not followed.

12. The petitioner was issued a show cause notice dated 9.8.2023 by the Project Officer. Thereafter, the petitioner submitted his reply to the said show cause notice vide reply dated 17.8.2023. The meeting was called on 29.8.2023 and by majority it was decided to take appropriate action against the petitioner. The respondent has further relied upon the judgment passed by this Court in the matter of Vidya w/o. Vishnu Vanare vs. State of Maharashtra, 2011(2) Mh.L.J. 221, wherein, this Court found that for the Anganwadi Workers there is alternate remedy available to approach the Industrial court which is efficacious in nature and a writ petition may not be maintainable. The counsel for respondent, therefore, submits that the petition is devoid of substance and same is liable to be dismissed.

13. I have considered the submission of Mr. V.R. Jain, Advocate appearing on behalf of the petitioner and Mr. S.B. Ghute, appearing on behalf of respondent No.2.

The issue involved in this petition is, whether the service of the Anganwadi Worker can be terminated on the basis of allegations made against her, wherein, she is implicated for abetting the commission of suicide by a villager, and also, whether the fate of services of Anganwadi worker could be decided on the basis of majority decision of the villagers as has been done in the present case. The perusal of the Government Resolution dated 12.4.2007 would show that a specific obligation is casted upon the CEO to issue a show cause notice and seek a reply or explanation to the show cause notice from the Anganwadi Worker. It is further provided that if the explanation is not satisfactory, even then, one chance may be given to the Anganwadi Worker to

improve her performance. The provisions of said Govt. Resolution would show that the said Govt. Resolution empowers the CEO of the Zilla Parishad to take action against the person found guilty of misconduct. The said Govt. Resolution, therefore, can be said to be governing the field of misconduct on the part of the Anganwadi Worker and procedure to be adopted by the authorities before finally terminating the service of such Anganwadi Worker.

14. In the present case, it can be seen that though the show cause notice dated 9.8.2023 was issued to the petitioner, however, explanation was tendered on 17.8.2023, wherein, the petitioner has explained her alleged false implication in the said crime. Not only that, the petitioner has also relied upon the prima facie finding of this Court while granting regular bail, to the effect that the allegations made in the FIR itself does not make out any offence under Section 306, at least against the petitioner. This Court in B.A. NO. 1398 of 2021 had granted bail to the petitioner and others, who were arrested in the said crime by making the aforesaid observations, that prima-facie offences are not made out.

15. Though the observations made in the bail application are prima facie in nature, however, it is noted by this Court that the FIR itself is silent as to how and in what manner the deceased was instigated by the accused persons. Be that as it may, the fact remains that the petitioner was not given one chance to improve her performance as per sub clause (2) of clause (3) of the Govt. Resolution dated 12.4.2007 if her explanation was not found satisfactory. The services of the petitioner were terminated by adopting a novel procedure, nowhere prescribed in the Rules nor in the Govt. Resolution dated 12.4.2007, by holding the meeting of the villagers.

16. The office note shows that the authorities have referred to

the Government Resolution dated 12.4.2007, however, had left the decision upon the Chief Executive Officer of the Child Welfare Development Project. The Child Development Project Officer, in its termination order dated 13.10.2023 does not refer to the Villagers' meeting and has simply relied upon the ground that there was an offence registered against the petitioner and as such, the petitioner's services as Anganwadi Worker were terminated w.e.f. 25.9.2021. Thus, making a farce of conducting an inquiry before passing of the order of termination, the services of the petitioners were terminated arbitrarily.

17. The reply filed by the respondents also shows that the services of the petitioner were terminated only on the ground that there was a crime registered against the petitioner and that she was arrested and also that her explanation was not found satisfactory. It is also stated in the reply dated 21.7.2023 filed by the respondent Child Development Project Officer that in view of the suggestions/opinion of the villagers, the Child Welfare Development Officer has come to the conclusion to terminate the services of the petitioner.

18. The Government Resolution dated 12.4.2007 was relied on by both, petitioner and respondents. The same was produced during hearing and the same is marked as "X" for identification. Perusal of Clause (b) of Government Resolution dated 12.4.2007 would show that in case, after the show cause notice issued to the Anganwadi Worker, if the explanation is not found to be satisfactory, one chance is required to be given to the Anganwadi Worker to improve her performance. No such procedure is seen to be followed by the respondents and as such, there is violation of the guidelines laid down by the State Government vide its G.R. dated 12.4.2007.

19. The Counsel for Respondent No.2 have also filed pursis on

record showing that the District Program Officer (Women and Child Development) and the Deputy Chief Executive Officer (Women and Child Development) is one and the same. The said pursis is filed to justify that the impugned order of termination is passed with the approval of the Deputy Chief Executive Officer in adherence with sub clause (2) of Clause 3 of the G.R. dated 12.04.2007. However in my view the same would not help the Respondents if the first precondition of giving one opportunity to correct is not followed. Moreover the termination order also does not show that the Child Development Project Officer has recorded a subjective satisfaction that the explanation is not satisfactory. Nor does the office note dated 20.09.2023 shows that the District Programme Officer found the explanation to be not satisfactory and therefore the service of the Petitioner needs to be terminated. The impugned order of termination thus does not show application of mind by the Child Development Project Officer and is mechanically passed relying upon the note of the District Programme Officer.

20. The petitioner has put in 20 years of service as Anganwadi Worker and has unblemished record to her credit. The office note annexed to the petition does not show any observation of misconduct or misappropriation on the part of the petitioner at any time earlier, before her arrest in the suicide case. The show cause notice also only relates to the extent of abetment of commission of suicide and the crime registered thereafter. The unblemished service of the petitioner was thus arbitrarily terminated by adopting a novel procedure, nowhere prescribed in the Rules or the Govt. Resolution which regulates the field of Anganwadi Workers. Hence, in my opinion, the termination order deserves to be quashed and set aside.

21. So far as the judgment of this Court in the matter of ***Vidya Vanare (supra)*** is concerned. Having due regards to the submissions and the judgment passed by the Division Bench of this Court, it is almost a

settled law that an alternate remedy is no bar to the writ jurisdiction of the High Court under Article 226 of the Constitution of India. The petitioner has particularly raised a grievance that the petitioner was not issued a notice to improve her performance as contemplated in the Govt. Resolution dated 12.4.2007. In my view a writ petition can always be maintained when the act committed by the State authorities smacks of arbitrariness on the face of record and the petitioner has approached this Court invoking powers under Article 226 of the Constitution of India. In my view, therefore, the writ petition would be maintainable.

22. I am, therefore, of the view that the termination order dated 13.10.2023 is passed by the respondent No.3/Child Development Project Officer without following the procedure laid down under the Govt. Resolution dated 12.4.2007 as neither one opportunity to correct was given to the Petitioner/Anganwadi Workers, nor the Child Development Project Officer had recorded a satisfaction that the explanation submitted by the Petitioner was not satisfactory. Therefore, the same deserves to be quashed and set aside. Hence, the following order :-

ORDER

- [A] The impugned order of termination dated 13.10.2023 is, hereby, quashed and set aside.
- [B] The respondents are directed to reinstate the services of the petitioner on her post of Anganwadi Worker within two weeks from the date of passing of order. However, in the facts and circumstances mentioned above, there shall be no continuity of service as the petitioner was out of service from the date of her arrest. The petitioner shall also not be entitled to any benefits for the period, for which she was out of service.

23. The writ petition stands allowed in aforesaid terms, with no orders as to costs.

[MEHROZ K. PATHAN]
JUDGE.

grt/-