



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 2137 OF 2024

Sau. Sangeeta Shamlal Jawarkar,
Aged about 46 yrs., Occ. Nil,
R/o. Kalpi Tq. Dharni Dist. Amravati **PETITIONER**

....**VERSUS**....

1] The State of Maharashtra
Through Secretary, Mantralaya, Mumbai,
32-Mumbai

2] Divisional Commissioner at Amravati.

3] Child Development Project Officer,
Dharni, Tq. & Dist. Amravati.

4] Chief Executive Officer,
Zilla Parishad, Amravati.

5] Grampanchayat Tingarya
Tq. Dharni Dist. Amravati **RESPONDENTS**

Shri S.S.Patil, Advocate for petitioner.
Shri H.D.Futane, AGP for respondent nos. 1 and 2/State.
Shri M.G.Rathi, Advocate for respondent no. 4.

CORAM : **SMT. M.S. JAWALKAR, J.**

DATE : **01/04/2025**

ORAL JUDGMENT

Heard learned counsel for the petitioner and
learned counsel for the respondents.

2] The petitioner is working as an Anganwadi Sevika with respondent no. 4 from 01/06/1999. It is her submission that, her service record is clean and unblemished. Due to some personal reason, some political persons pressurized the petitioner to leave the service. It is the contention of the petitioner that, her service came to be terminated without granting any opportunity and without issuing any notice to the petitioner and without conducting any inquiry.

3] Heard Learned AGP. On perusal of order dated 25/09/2018 passed by the Dy. Chief Executive Officer, Zilla Parishad, Amravati, it appears that, there was no notice duly served to the petitioner to inform her about the allegations made against her or about any enquiry. Some statement is recorded by the Child Development Project Officer, Dharni, Tq. And Dist. Amravati. The said statement is placed on record along with reply. It is at page 123 and it is recorded on 10/08/2017. After going through the statement, it does not reflect that, there was any opportunity granted to the petitioner and statement of allegations or any document

supplied to the petitioner.

4] The learned counsel for the Zilla Parishad mainly harping on the statement stated that, the petitioner made a request to transferred to Chethar. However, if overall statement is considered, the petitioner has specifically mentioned that, she is working since 1999 and there was no complaint till that date. Even if, there is no such policy of transfer, the authority may have rejected the request of transfer. However, that does not mean that, they should not follow any principles of natural justice and terminate the services abruptly. There is nothing on record to show that, any effort has been made to serve the petitioner at her residence.

5] In the absence of this, the learned Appellate Authority ought to have considered this fact and ought to have allowed the appeal. Only on the basis of some information, without granting any opportunity to the petitioner about the said allegations, it is clearly violation of principles of natural justice. As such, the present Writ Petition

needs to be **allowed**.

6] The order dated 25/09/2018 passed by the Dy. Chief Executive Officer, Zilla Parishad, Amravati and order dated 12/02/2024 passed by the Divisional Commissioner, Amravati in Appeal No. 1/ Anganwadi Helper/Amravati/2023 are hereby quashed and set aside.

7] The petitioner to appear before the Dy. Chief Executive Officer, Zilla Parishad, Amravati on 15/04/2025 at 11.00 a.m.

8] The respondent no. 4 - Chief Executive Officer, Zilla Parishad, Amravati to grant fair opportunity to the petitioner by supplying all material documents to the petitioner and to give an opportunity to reply the same.

9] The respondent no. 4 is further directed to take a decision after reply is submitted and due opportunity of hearing is granted to the petitioner.

Accordingly, the petition stands **disposed of**.

(Smt. M.S.Jawalkar, J.)