

(2025) 12 OHC CK 0032

Orissa HC

Case No: Writ Petition (C) No. 27234 Of 2024

Lalita Bhoi

APPELLANT

Vs

State Of Odisha & Others

RESPONDENT

Date of Decision: Dec. 5, 2025

Hon'ble Judges: Sashikanta Mishra, J

Bench: Single Bench

Advocate: S.K. Das, S.N.Pattnaik, B.R. Barik

Final Decision: Dismissed

Judgement

Sashikanta Mishra, J

1. The petitioner in the present writ application seeks the following relief:

“It is therefore prayed that your Lordships may graciously be pleased to consider the facts stated in this writ application, may admit the same, call for the records, and issue notice to the Opp. Parties calling upon them to show cause as to why this writ application shall not be allowed the order dated 30.09.24-vide Annexure-14, the order dated 17.12.24 passed by the OP No.4, vide Annexure-17 shall not be quashed, and the this petitioner shall not be allowed to continue as Anganwadi Worker for Phatamunda Anganwadi Centre being the selected candidate. If the Opp. Parties fails to show cause or shows insufficient cause, then this writ application may be allowed, order dated 30.09.24 order vide Annexure-14 and the order dated 17.12.24 passed by OP No.4, vide Annexure-17 may be quashed and the OP No. 4 may be directed to continue this petitioner as Anganwadi Workers of Phatamunda Anganwadi Centre who has been working as Anganwadi Worker for last 3 years being the selected candidate.

And/Or pass such other order/orders, writ/writs, director/directions as your lordships may this just and proper:

And for this act of kindness the petitioner shall ever pray.”

2. The facts of the case are that on 16-09-2021, the C.D.P.O., Chandahandi in the district of Nawarangpur issued an advertisement for engagement of Anganwadi workers in 13 Anganwadi centres, including Phathamunda Anganwadi Centre. The petitioner was one of the candidates, along with 11 others. The villagers objected to the candidatures of some of the candidates and so also Opposite Party No.5. Accordingly, a joint committee was formed to enquire whether the candidates belong to the concerned Anganwadi Worker and Supervisor to submit details. A joint report was submitted giving the house number and family number of the candidates belonging to the Centre area, wherein the name of the petitioner was at serial No.3. The selection committee found that only four candidates, including the petitioner belong to the service area. A merit list was prepared wherein the petitioner was found to have secured the highest marks. Therefore, she was selected and issued with the order of engagement on 30.12.2021. She joined on 31.12.2021 in the Anganwadi Centre. Her selection was challenged by Opposite Party No.5 before this Court in W.P.(C). No. 852 of 2002, which was disposed of by order dated 08.02.2022 granting liberty to her to prefer appeal. She preferred appeal, being Appeal No. 6 of 2022 before the ADM, Nawarangpur, claiming that the petitioner does not belong to the Anganwadi Centre area. The petitioner appeared pursuant to notice of the appeal and took the plea that the mother-in-law of O.P. No.5, being the Anganwadi Worker of Palaspani Centre, deliberately inserted the name of the petitioner in that area. However, the same was struck down and the name of the petitioner was added to the Phathamunda Centre area. The CDPO also submitted a detailed report on 23.09.2022 stating that the petitioner is residing in the service area of the Centre. In another report submitted by the CDPO on 30.06.2024, it was stated that originally there was one Anganwadi Centre at Phathamunda covering the whole area, including Palaspani Mini Anganwadi Centre, which was created in 2012. At that time, the petitioner was residing at Chacharpada under Phathamunda village. The ADM, however, ignored the materials on record and held that as the petitioner had availed benefits such as eggs etc. from Pallaspani Anganwadi Centre till December 2021, she is not eligible to apply for engagement in Phathamunda Anganwadi Centre. The appeal was thus allowed. Pursuant to such order, the petitioner was disengaged by the CDPO vide letter dated 01.12.2024 but the said order was never communicated. Subsequently, this Court by order dated 11.11.2024 stayed the operation of the order of the ADM. The CDPO thereafter issued an engagement order on 30.11.2024 cancelling her earlier order and the petitioner was allowed to continue. However, she was not paid her remuneration and on verbal order of the higher authority, the engagement order issued on 30.11.2024 was again cancelled. On such facts, the petitioner has filed this writ application with the prayer as quoted above.

3. Counter affidavit has been filed by the CDPO (Opp. Party No. 4) refuting the averments made in the writ application. It is stated that the petitioner was not a resident of the service area as is evident from several public documents mentioning her as a beneficiary. Though a report was submitted on 16.12.2021 by the in-charge Anganwadi Worker and Sector Supervisor mentioning that the petitioner belongs to Phathamunda AWC area and her house number is 168 with serial number 2 but the same is silent about the source of such information. The petitioner secured the highest marks among the other candidates, but she not being a resident of the service area, is not eligible and was wrongly engaged. All records and registers show that her name finds place in the service area of Palaspani Anganwadi Centre till the date of advertisement. The allegation that her

name was intentionally inserted by the Anganwadi Worker in Palaspani AWC is false and baseless. The petitioner has secured all her entitlements as a beneficiary from Palaspani Anganwadi Centre, where she registered herself as a pregnant mother. Further, in the information obtained by Dharamu Bhoi and Manuraj Bhoi under the RTI Act, it was proved that as on the date of advertisement, the petitioner was a beneficiary under the Palaspani AWC.

4. Counter affidavit has also been filed by the Opposite Party No.5, more or less stating the same facts as Opposite Party No.4. It is further stated that from the information obtained under the RTI Act, it is clearly evident that the petitioner was a beneficiary under Mamata Yojana from Palaspani Mini Anganwadi Centre. She is a resident of Chacharpada hamlet under Phatamunda village, which comes under the service area of Palaspani Centre. The ADM has rightly allowed the appeal filed by the Opposite Party No. 5 in view of his finding that documents had been manipulated to show that the petitioner was a resident of Phatamunda Anganwadi Centre even though she had availed all benefits from Palaspani Centre. Her name was transferred to Phatamunda AWC area after issuance of the notification dated 16.09.2021.

5. In the rejoinder filed by the petitioner, it is stated that the documents relied upon by the ADM were purportedly obtained by a third party. Moreover, said documents do not relate to nativity of a person nor were confronted to the petitioner before using them against her. Therefore, the principles of natural justice were violated. The report of the joint enquiry is based on voter identity card, Aadhaar card and ration card. The report cannot therefore, be brushed aside. It is further submitted that Mamata Card is not meant to prove residence of a person, any person can avail the benefits under Mamata Yojana from any Centre irrespective of her permanent residence.

6. Heard Mr. S.K.Das, learned counsel for the petitioner, Mr. S.N.Pattnaik, learned AGA for the State and Mr. B.R.Barik, learned counsel for Opposite Party No.5.

7. Mr. Das would argue that the principles of natural justice was not followed inasmuch as the petitioner was not granted proper opportunity of hearing by the ADM which violates the principles of natural justice. The documents basing on which the impugned order was passed were never shown to the petitioner nor proved. On merit, Mr. Das would argue that the joint inquiry report clearly shows the petitioner as a permanent resident of the Anganwadi Centre in question. It has not been proved as to how said report was wrong or erroneous. Even assuming that the petitioner had availed benefits under Mamata Yojana, the same is not conclusive proof of her residence because, as a pregnant lady, she is supposed to be attached to the nearest Anganwadi Centre and not a Centre far from her house. As to the information obtained under the RTI Act, Mr. Das would submit that in the absence of identity of the persons who sought for the information, no reliance can be placed upon it.

8. Mr. Pattnaik, learned AGA on the other hand would submit that the advertisement was issued on 16.09.2021. The ADM found that the petitioner belongs to Chacharpada which comes under Palaspani. Further, she received benefits under different schemes from Palaspani AWC. The report of the joint enquiry was submitted subsequent to the advertisement but the other records and documents, such as egg distribution register, etc., revealed that the petitioner's name was

placed in the list even for the month of December, 2021. Even otherwise, as per the information obtained under the RTI Act, it was found that the petitioner belongs to Palaspani Mini AWC of the year from 2015 to 18-09-2021. The ADM therefore, rightly set aside her selection.

9. Mr. Barik, learned counsel appearing for the Opposite Party No.5 while adopting the arguments of the State counsel, additionally submits that as per the guidelines issued by the Government, Mamata Yojana guidelines require a pregnant woman to register herself at the Anganwadi Centre/ Mini Anganwadi Centre to which she belongs in order to avail benefits under the scheme. There are ample materials on record showing that the petitioner registered as a beneficiary under Palaspani AWC and had also availed other benefits like egg, Chhatua, etc. It is only after the issuance of the advertisement that she requested for deletion of her name from Palaspani Anganwadi Centre to Phatamunda Anganwadi Centre.

10. Before delving into the merits of the case, this Court would like to keep in perspective the fundamental principles of interference by this Court exercising certiorari/supervisory jurisdiction. It is trite that the scope of such interference is limited, being confined to examining whether the principles of natural justice were followed by the concerned quasi-judicial authority or not and/or whether the findings are perverse. Reference in this regard may be had to the judgment of the Supreme Court in the case of Syed Yakoob v. K. S. Radhakrishnan and others, AIR 1964 SC 477, wherein the contours of certiorari jurisdiction were described as follows::

“7. The question about the limits of the jurisdiction of High Courts in issuing a writ of certiorari under Art. 226 has been frequently considered by this Court and the true legal position in that behalf is no longer in doubt. A writ of certiorari can be issued for correcting errors of jurisdiction committed by inferior courts or tribunals : these are cases where orders are passed by inferior courts or tribunals without jurisdiction, or is in excess of it, or as a result of failure to exercise jurisdiction. A writ can similarly be issued where in exercise of jurisdiction conferred on it, the Court or Tribunal acts illegally or improperly, as for instance, it decides a question without giving an opportunity to be heard to the party affected by the order, or where the procedure adopted in dealing with the dispute is opposed to principles of natural justice. There is, however, no doubt that the jurisdiction to issue a writ of certiorari is a supervisory jurisdiction and the Court exercising it is not entitled to act as an appellate Court. This limitation necessarily means that findings of fact reached by the inferior Court or Tribunal as result of the appreciation of evidence cannot be reopened or questioned in writ proceedings. An error of law which is apparent on the face of the record can be corrected by a writ, but not an error of fact, however grave it may appear to be. In regard to a finding of fact recorded by the Tribunal, a writ of certiorari can be issued if it is shown that in recording the said finding, the Tribunal had erroneously refused to admit admissible and material evidence, or had erroneously admitted inadmissible evidence which has influenced the impugned finding. Similarly, if a finding of fact is based on no evidence, that would be regarded as an error of law which can be corrected by a writ of certiorari. In dealing with this category of cases, however, we must always bear in mind that a finding of fact recorded by the Tribunal cannot be challenged in proceedings for a writ of certiorari on the ground that the relevant and material evidence adduced before SC480 the Tribunal was insufficient or inadequate to sustain the impugned finding. The adequacy or sufficiency of evidence led on a point and the

inference of fact to be drawn from the said finding are within the exclusive jurisdiction of the Tribunal, and the said points cannot be agitated before a writ Court. It is within these limits that the jurisdiction conferred on the High Courts under Art. 226 to issue a writ of certiorari can be legitimately exercised (vide Hari Vishnu Kamath v. Ahmad Ishaque, 1955-1 SCR 1104: ((S) AIR 1955 SC 233); Nagendra Nath v. Commr. of Hills Division, 1958 SCR 1240: (AIR 1958 SC 398) and Kaushalya Devi v. Bachittar Singh, AIR 1960 SC 1168.”

Viewed in the light of the above principle, the first objection raised to the impugned order by the petitioner is alleged non-adherence to the principles of natural justice. It has been argued that proper opportunity of hearing was not granted. This is not acceptable on the face of it in view of the fact that not only did the petitioner appear and file a counter in the appeal (copy of which is enclosed as Annexure-B/4) to the counter filed by the State in this Court, but also was duly represented and participated in the proceedings as can be seen from bare reading of the impugned order. It has also been argued that the documents relied upon by the ADM were not served upon the petitioner. Reading of the impugned order reveals that the ADM has referred to the reports submitted by the CDPO during the pendency of the appeal. That apart, the ADM appears to have perused the photocopy of the registers maintained by both Palaspani and Phatomunda Anganwadi Centre. All documents referred to and relied upon by the ADM have been enclosed to the counter filed by the State as well as the private Opposite Party. It has not been demonstrated as to how those documents were wrongly relied upon or that they tell a different story than what was held by the ADM basing thereon. Thus, the Doctrine of Empty Formality would come into play here as the petitioner has not been able to convince this Court that such reports/documents being served upon her, the result of the outcome would have been different. This Court, therefore, is unable to accept the contention that the impugned order suffers from the vice of non-adherence to the principles of natural justice.

11. As regards the other aspect, that is, whether the findings are perverse or not, the petitioner has not been able to demonstrate how the findings can be treated as such. The ADM has relied upon the reports of the CDPO and information supplied under the RTI Act by the Public Information Officer of ICDS, Chandahandi and the registers of both the Anganwadi Centres. All these documents clearly reveal that the petitioner, at least at the relevant time was registered as beneficiary of Palaspani AWC and had received several benefits as per Government schemes. The petitioner has nowhere denied that she had received such benefits. It is only her contention that mere receipt of benefits cannot prove her residence but the report of the CDPO clearly reveals that when Palaspani AWC was created in 2012, the petitioner was a resident of Chacharpada hamlet, which comes under the Palaspani Anganwadi Centre. The other records such as the egg distribution register and family details register, etc., also reveal that she has received several benefits even after issuance of the advertisement in question. That apart, the information obtained under the RTI Act categorically mentions that she was a beneficiary under Palaspani Anganwadi Centre from 2015 till December, 2021. Except for questioning the information so supplied with regard to the identity of the person who sought for information, it has not been demonstrated as to how such information is wrong. The petitioner, on the other hand, relied upon the so-called joint inquiry report submitted by the in-charge Anganwadi Worker but

then the same cannot override all other reports/documents and the relevant registers referred above. This Court fails to understand as to how the findings of the ADM can even remotely be treated as perverse so as to be persuaded to interfere.

12. Thus, from a conspectus of the analysis of facts, law and the discussion made thereon, this Court finds no reason to interfere with the impugned order. Resultantly, the writ application is dismissed. There shall be no order as to costs.