

Shajda Bano Vs State of Jharkhand and Others

Court: Jharkhand High Court

Date of Decision: July 15, 2011

Citation: (2011) 4 JCR 125

Hon'ble Judges: Narendra Nath Tiwari, J

Bench: Single Bench

Final Decision: Allowed

Judgement

@JUDGMENTTAG-ORDER

N.N. Tiwari, J.

By the Court.--The grievance of the petitioner is that though she was duly appointed as Anganbari Sevika for Jori-11

Anganbari Centre, she has been removed in arbitrary manner by the order dated 14.3.2011 (Annexure-6). It has been stated that the petitioner

was appointed as Anganbari Sevika for Jori-II Anganbari Centre, Hunterganj, Chatra in June 2007. She had been continuously and sincerely

discharging her duty. By letter dated 10.7.2008, she was deputed for job training at Kadma, Jamshedpur. There was no complain against her so

far. Suddenly, she received Letter No. 138 dated 14.3.2011 (Annexure-6) addressed to the Child Development Project Officer, Hunterganj, a

copy of which was also sent to her, whereby the District Social Welfare Officer, Chatra informed the petitioner that she has been removed by the

order of the Deputy Development Commissioner, Chatra, as she was found absent on the surprise inspection by the Deputy Commissioner, Chatra

on 15.12.2010.

2. Learned counsel for the petitioner submitted that neither the impugned order of the Deputy Development Commissioner removing the petitioner

has been served on her nor she has got any order from the District Social Welfare Officer. The Child Development Project Officer, Hunterganj has

communicated the impugned letter to the petitioner and on that basis the petitioner has not been allowed to work. It has been submitted that the

impugned order is wholly arbitrary and illegal and the same has been passed without giving proper opportunity of hearing to the petitioner.

3. Learned G.P-IV appearing on behalf of the respondents submitted that though the said order of the Deputy Development Commissioner has not

been annexed, clear reason has been assigned in the impugned letter for removal of the petitioner. On surprise inspection by the Deputy

Commissioner, the petitioner was found absent from the said Anganbari Centre. Since the said order has been issued on the direction of the

Deputy Development Commissioner, there is no illegality in the impugned order.

4. I have heard learned counsel for the parties and considered the facts and materials on record. It is an admitted fact that the petitioner was duly

appointed as Anganbari Sevika for Jori-II Anganbari Centre, Hunterganj, Chatra. She had been working since June 2007. Suddenly, by the

impugned order, she has been removed on the ground that when the Deputy Commissioner, Chatra made a surprise inspection, he did not find the

petitioner present in the Centre. From the impugned letter, the time of visit of the Deputy Commissioner is not clear. The ground on which the

petitioner has been terminated, does not also appear to be sufficient and cogent. Removal of the petitioner is based on the allegation of dereliction

of duty and is stigmatic and punitive. The impugned letter does not show that the petitioner was given sufficient opportunity to meet the charge. The

impugned order being cryptic, non-speaking and violative of the principles of natural justice is unsustainable in law.

5. In view of the above, this writ petition is allowed. The impugned Letter No. 138 dated 14.3.2011 (Annexure-6) is quashed. The petitioner shall

get the consequential benefit without any break in the job.