
(2011) 07 JH CK 0070

Jharkhand High Court

Case No: Writ Petition (S) No. 2501 of 2011

Shajda Bano

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

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.