

GAHC010031282023



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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/1141/2023

SUMITRA SARMA
D/O- UMESH SARMA, R/O- VILL.- NAYADEWANPARA, P.O. SIDALSATI, P.S.
ABHAYAPURI, DIST. BONGAIGAON, ASSAM

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, WOMEN AND CHILD DEVELOPMENT, DISPUR,
GUWAHATI-781006.

2:THE DIRECTOR OF WOMEN AND CHILD DEVELOPMENT
ASSAM
UZANBAZAR
GUWAHATI-781001.

3:THE CHILD DEVELOPMENT PROJECT OFFICER
SRINJANGRAM ICDS PROJECT
SRINJANGRAM
BONGAIGAON
ASSA

Advocate for the Petitioner : MR. R PHUKAN, MR. N J DUTTA, MR N AHMED, MR. P
TALUKDAR, MR. R MAHANTA

Advocate for the Respondent : GA, ASSAM,

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER**Date : 30-03-2026**

Heard Mr. N. Ahmed, learned counsel for the petitioner. Also heard Ms. M. Bhattacharjee, learned Addl. Sr. Govt. Advocate, Assam appearing for the respondents.

2. The petitioner by way of instituting the present writ petition has presented a challenge to an order dated 10-11-2022, issued by the Director of Women and Child Development, Assam, requiring the Child Development Project Officer (CDPO), Srijangram ICDS Project, Bongaigaon to terminate the voluntary services of the petitioner, herein, with immediate effect. The petitioner has also presented a challenge to the consequential communication dated 10-11-2022 passed by the jurisdictional CDPO dismissing the petitioner from her post of Anganwadi Worker.

3. As projected in the writ petition, the petitioner was engaged as an Anganwadi Worker in Foujadari Dewanpara Anganwadi Centre vide communication dated 05-10-1993, on honorary basis. The petitioner, thereafter, continued in her services as an Anganwadi Worker in terms of the said engagement. The jurisdictional CDPO vide a show-cause dated 24-08-2022, required the petitioner to show-cause with regard to the allegations levelled against her therein. The petitioner submitted her reply to the said show-cause on 30-08-2022, denying the allegations levelled against her. The said reply submitted by the petitioner not being found to be satisfactory another opportunity was extended to the petitioner to put on record her clarification with regard to the issues raised. The further show-cause was so issued on 02-09-2022. The petitioner responded to the show-cause vide her reply dated 09-10-2022. The said reply as submitted by the petitioner along with

her earlier replies were taken into consideration by the Director, Women and Child Development Department, Assam, and thereafter, by drawing a conclusion that due to the malafide intention on the part of the petitioner, the normal works of the Anganwadi Centre in question was hampered, proceeded to direct the jurisdictional CDPO to terminate the voluntary services of the petitioner, herein. In terms of the direction issued by the Director, Women and Child Development Department, Assam vide order dated 29-10-2022, the jurisdictional CDPO proceeded vide communication dated 10-11-2022 to release the petitioner from the Anganwadi Centre w.e.f. 10-11-2022.

Being aggrieved, the petitioner has instituted the present writ petition.

4. Mr. N. Ahmed, learned counsel for the petitioner by reiterating the facts noticed hereinabove, has submitted that the petitioner on being asked to show-cause, had promptly submitted her reply in the matter and had dealt with the allegations levelled against her. He submits that the respondent authority without properly appreciating the contentions raised by the petitioner in her replies, as submitted to the show-causes issued to her, had proceeded to terminate the services of the petitioner vide issuance of the impugned order dated 29-10-2022 and the consequential communication dated 10-11-2022. He submits that in the event there was any misconduct committed by petitioner, herein, the respondent authority ought to have held an enquiry in the matter and provided an opportunity to the petitioner to have her say, therein and only thereafter, it was permissible for the respondents to draw a conclusion with regard to the commission of misconduct by the petitioner in the matter.

5. Ms. M. Bhattacharjee, learned Addl. Sr. Govt. Advocate, Assam appearing for the

respondent has submitted that a public complaint was received against the petitioner pm 08-08-2022 and therein, it was alleged that the petitioner was irregular in her presence in the Anganwadi Centre and also was irregular in distribution of articles. Further, other allegations of mis-management of the petitioner and negligence on the duty as an Anganwadi Worker in the said Anganwadi Centre had come on record. It is submitted that the petitioner was found absent on an inspection made in the Anganwadi Centre by the jurisdictional CDPO. She further submits that basing on the materials coming on record against the petitioner, show-cause notices came to be issued against her. However, the replies submitted by the petitioner not being found to be satisfactory, her voluntary engagement as Anganwadi Worker came to be terminated and the petitioner was relieved from the said Anganwadi Centre. It is further submitted by Ms. Bhattacharjee that the services of an Anganwadi Workers is basically honorary in nature and the failure on the part of the petitioner to perform her duties in the manner required, lead to inconvenience being caused to the public at large and accordingly, the action on the part of the respondent authorities in releasing the petitioner from her honorary service as Anganwadi Worker would not mandate interference from this Court.

6. I have heard the learned counsel for the parties and have also perused the materials available on record.

7. As noticed, hereinabove, the allegations having come on record with regard to the discharge of her duties as Anganwadi Worker in the No. 11 Foujadari Dewanpara Anganwadi Centre, show-cause notices came to be issued to the petitioner and therein the deficiencies in rendering services by her in the said Anganwadi Centre was noticed.

Further anomalies which had come to the notice of the authorities with regard to the functioning of the Anganwadi Centre in question was also highlighted. The petitioner is found to have submitted her replies in the matter, however, the said replies were not found to be satisfactory and accordingly, the Director of Women and Child Development Department, Assam vide order dated 29-10-2022 on appreciation of the materials coming on record proceeded to issue a direction to the jurisdictional CDPO to terminate the voluntary services of the petitioner as an Anganwadi Worker of the Anganwadi Centre in question, with immediate effect. The jurisdictional CDPO vide communication dated 10-11-2022, in terms of the directions passed by the Director of Women and Child Development Department, Assam vide order dated 29-10-2022 proceeded to relieve her from the said Anganwadi Centre. It is found that the allegations coming on record against the petitioner were put to her vide issuance of show-cause notices and the petitioner had submitted her replies in the matter. The learned counsel for the petitioner has not demonstrated before this Court that the conclusions drawn by the Director of Women and Child Development Department, Assam are perverse and/ or that the petitioner had met all the allegations levelled against her.

8. This Court has perused the show-cause notices issued to the petitioner on 24-08-2022 and 02-09-2022 and finds that the allegations relating to the manner of discharge by her of her duties as Anganwadi Worker in the said Anganwadi Centre came to be levelled. It is an accepted fact that the Anganwadi Worker is engaged on honorary basis for implementing the governmental schemes for the welfare of the children residing within the coverage area of the Anganwadi Centre in question. The allegations levelled

against the petitioner reveals that she has not been discharging her duties in the manner required as a Anganwadi Worker and thereby depriving the children of the area from the various beneficial schemes being extended by the Government for their welfare.

9. In view of the above discussions and, this Court is of the considered view that the impugned order dated 29-10-2022 along with the consequential communication dated 10-11-2022 would not mandate any interference.

10. Accordingly, in view of the above discussions, the present writ petition is held to be devoid of any merit and the same consequently stands dismissed. However, there would be no order as to cost.

JUDGE

Comparing Assistant