



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.1573 of 2022

Anjali Patel

....

Petitioner

Represented by
Mr. Mithun Das, Advocate

- Versus -

State of Odisha & Others

....

Opp. Parties

Represented by
Mr. S. Behera,
Addl. Government Advocate

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

26.03.2025

Order No.
05.

1. This matter is taken up through hybrid mode.
2. Mr. Behera, learned State counsel has obtained written instructions from the Sub-Collector, Panposh stating that show cause notice was issued from the office and served on the appellant (writ petitioner) by post as revealed from the issue register. Copy of the issue register is enclosed. It however, reveals that the disengagement order was issued. Thus, there is no clear cut proof regarding service of the show cause notice (Annexure-B/4) dated 20.11.2019 on the petitioner.
3. The petitioner while working as Anganwadi Worker in Bilamdihi Anganwadi Center in the district of Sundargarh was disengaged vide order dated 07.12.2019. She filed an appeal challenging the order of disengagement before the Collector, Sundargarh being Anganwadi Appeal Case No.10 of 2020. In the memorandum of appeal, a specific stand was taken that the show



cause notice dated 20.11.2019 referred to in the order of disengagement was never served upon the petitioner. However, the Appellate Authority did not take into consideration such specific stand and rejected the appeal by holding that continuance of the petitioner is detrimental to the implementation of ICDS Scheme in the area. As already noted by this Court, copy of the show cause notice dated 20.11.2019 does not appear to have been served upon the petitioner prior to issuance of the order of disengagement. This is a clear case of violation of principles of natural justice embodied in the maxim *audi alteram partem*.

4. The above stand being specifically taken by the petitioner in her memorandum of appeal before the Appellate Authority, the same should have been considered. Under such circumstances, the impugned order cannot be sustained in the eye of law, which is therefore, set aside. The Opposite Party authorities are directed to reinstate the petitioner in service forthwith.

5. It shall be open to the authorities to take appropriate action against the petitioner, if need be by strictly following the principles of natural justice. It is further made clear that the petitioner shall not be entitled any financial benefits for the period of disengagement but said period shall be notionally counted towards the continuity of her engagement.

(Sashikanta Mishra)
Judge

Signature Not Verified

Digitally Signed
Signed by: PUSPANJALI GHADAI
Designation: Junior Stenographer
Reason: Authentication
Location: High Court of Orissa, Cuttack.
Date: 28-Mar-2025 17:44:49

