

(2008) 01 JH CK 0065
In the Jharkhand High Court

Brihaspati Devi

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 21-01-2008

Acts Referred:

Citation : (2008) 3 JCR 320

Hon'ble Judges : Narendra Nath Tiwari, J

Bench : Single Bench

Judgement

N.N. Tiwari, J.—The grievance of the petitioner is that though she was selected as Anganbari Sevika of Marchadih Anganbari Centre, Sonahatu and had been working since 31.5.2007. she has been removed by the impugned order dated 30.11.2007 passed by the Deputy Commissioner, Ranchi as contained in Annexure-6. The grievance of the petitioner is that the said order by which the petitioner's appointment has been cancelled, is cryptic, mechanical and nonspeaking and the same is violative of the principles of natural justice and is not sustainable as no reason whatsoever has been assigned in support of the said order. There is nothing in the impugned order to show that the concerned authority has applied his mind on the reply to the show cause given by the petitioner.

2. Learned J.C. to G.A., on the other hand, submitted that though the impugned order is not speaking, the petitioner's appointment has been cancelled for valid reasons and that the said reasons are known to her. It has been submitted that the petitioner's reply was considered by the competent authority and the impugned order has been passed after due application of mind.

3. I have heard learned Counsel for the parties and I have considered the facts and materials on record. I have also perused the impugned order dated 30.11.2007 contained in Annexure-6. The said order runs as follows:

SHRIMATI BRIHASPATI DEVI, CHAYANIT SEWIKI, ANGANBARI KENDRA,
MARCHADIIH (SONAHATU) SE PRICHAHA NOTICE KE ASPAS-TIKARAN UPRANT

UPAYUKTA, RANCHI DWARA ADESH DIYA GAYA KI ANGANBARI KENDRA, MARCHADIIH (SONA-HAUT) KE LIYE CHAYANIT SEWIKI BRIHASPATI DEVI KA CHAYAN TATKAL PRABHAWA SE RADDA KIYA ZATA HAI TATHA UKTA KENDRA KE LIYE SHRIMATI SEPALI DEVI, PATI SHRI CHHUTU SINGH MUNDA KA SEWIKI MEN CHAYAN SWIKRIT KIYA JATA HAI.

4. From bare reading of the said order, it appears that the concerned respondent has not assigned any reason for cancellation of the petitioner's appointment and has not discussed the reply given by the petitioner to the show cause issued to her. There is absolutely no application of mind as no speaking reason has been assigned for cancelling the petitioner's appointment. Admittedly, the petitioner was appointed as Anganbari Sevika for Marchadih Anganwari Centre at Sonahatu. Cancellation of her appointment can only be made, if there is any legal ground. However, the appointment cannot be cancelled without following the due procedure of law and the principles of natural justice.

5. Since no reason has been assigned for passing the impugned order cancelling the petitioner's appointment, the same cannot sustain and is, hereby, quashed. The matter is remitted to the Deputy Commissioner, Ranchi, who shall consider the petitioner's explanation/reply and other relevant aspects afresh and shall pass a speaking order in accordance with law after giving due opportunity of hearing to the petitioner.