
(2012) 04 MP CK 0162

In the Madhya Pradesh High Court

Case No : Writ Petition (S) No. 7164 of 2011

Durga

APPELLANT

Vs

State of M.P. and Others

RESPONDENT

Date of Decision : 17-04-2012

Acts Referred:

Citation : (2012) 5 MPHT 367

Hon'ble Judges : N.K. Mody, J

Bench : Single Bench

Advocate : Archana Maheshwari, for the Appellant; Vinita Phaye, Dy. Govt. Advocate for the Respondents/State, for the Respondent

Final Decision : Allowed

Judgement

N.K. Mody, J.—Heard.

Prayer in the petition is for quashment of orders dated 2-6-2011 (Annexure P-1) passed by Commissioner, Indore, 9-9-2010 (Annexure P-4) passed by Collector, Jhabua and dated 31-3-2010 (Annexure P-2) passed by respondent No. 5, whereby services of the petitioner were discontinued from the post of Anganwadi worker. Learned Counsel for the petitioner submits that the petitioner was working as Anganwadi worker but without any show-cause notice and without following the procedure of law, services of the petitioner were discontinued, against which an appeal was filed before the Collector, which was dismissed vide order dated 9-9-2010 against which revision petition was filed before the Commissioner, which was also dismissed on 2-6-2011 against which present petition has been filed.

2. Learned Counsel for the petitioner argued at length and submitted that the impugned orders are illegal and deserve to be set aside as due procedure of law or removal of Anganwadi worker has not been followed. It is submitted that the petition be allowed and the impugned orders be set aside.

3. Learned Counsel for the respondents submits that on number of occasions the

petitioner remained absent on his duties. On issuance of show-cause notice and after giving an opportunity of hearing to the petitioner, the impugned order has been passed which requires no interference. It is submitted that the Government of Madhya Pradesh has issued circular dated 27-5-2006 for selection and appointment of Anganwadi worker. Rule 5-A of the Rules dealing with the procedure for removal of Anganwadi worker reads as under:--

4. In the matter of Meera Koli Vs. State of M.P. and Others, this Court has held that inquiry has to be conducted by the supervisor as provided under circular dated 2-3-2002 and opportunity of hearing has also to be provided to the worker. After going through the order passed by respondent No. 5 and also the orders passed by Appellate and Revisional Authorities this Court is of the view that the procedure laid down for removal of Anganwadi worker was not followed. In view of this, petition filed by the petitioner is allowed and the orders dated 2-6-2011 (Annexure P-1) passed by Commissioner, Indore, dated 9-9-2010 (Annexure P-4) passed by Collector, Jhabua and dated 31-3-2010 (Annexure P-2) passed by respondent No. 5, stand quashed.