

(2011) 11 JH CK 0084
In the Jharkhand High Court
Case No : Writ Petition (S) No. 5685 of 2011

Monika Soren

APPELLANT

Vs

The State of Jharkhand and others

RESPONDENT

Date of Decision : 08-11-2011

Acts Referred:

Citation : (2011) 11 JH CK 0084

Hon'ble Judges : Dhirubhai Naranbhai Patel, J

Bench : Single Bench

Final Decision : Allowed

Judgement

D.N. Patel

1. Having heard counsel for both the sides and looking to the facts and circumstances of the case, it appears that:

i) the present petitioner was appointed as Anganbari Sevika on 30th May, 1983 at Sabaiya Centre under Borio Block, district-Sahibganj and thereafter, the petitioner worked sincerely, honestly, diligently and to the satisfaction of the respondents.

(ii) the respondent authorities have received some complains against the petitioner and therefore, on the basis of those complains, the services of the petitioner have been brought to an end on 16th November, 2009 vide order at Annexure-1 to the memo of the present petition.

(iii) no inquiry has been conducted before terminating the services of the present petitioner. Bare allegation is not a proof. There may be some allegations against the petitioner, but, these allegations could not be presumed to have been correct. There ought to have been some inquiry against the petitioner and on the basis of the inquiry report, the decision ought to have been taken. Opportunity of being heard has never been given to the petitioner.

(iv) there are some allegations that on a particular date during inspection, the

present petitioner was found sleeping. The second allegation is that on the date of inspection, the food which is being given to the children was not prepared. There are also complains received against the present petitioner from the villagers that the present petitioner is not distributing food to the children. These allegations ought to have been proved and adequate opportunity of being heard ought to have been given to the petitioner. Admittedly, without holding any inquiry and without giving any opportunity of cross examination of the witnesses, no conclusion could have been arrived at by the respondents that the petitioner is guilty of all these charges.

2. In view of the aforesaid facts and reasons, I hereby, quash and set aside the order, passed by the respondents dated 16th November, 2009, which is at Annexure-1 to the memo of the present petition. Liberty is reserved with the respondents to take appropriate action against the petitioner after holding inquiry against the petitioner and in accordance with law and after giving an adequate opportunity of being heard to the petitioner.

3. This writ petition is allowed to the aforesaid extent.