
(2024) 02 OHC CK 0054

In the Orissa High Court

Case No : Writ Petition (C) No.10894 Of 2023

Ranjita Patra Vs State Of Odisha & Others ?

Date of Decision : 07-02-2024

Acts Referred:

Citation : (2024) 02 OHC CK 0054

Hon'ble Judges : M.S. Raman, J

Bench : Single Bench

Advocate : Dharmendra Sethy, A.R. Dash

Final Decision : Disposed Of

Judgement

M.S. Raman, J

1. This matter is taken up through hybrid mode.

2. As it appears, against the disengagement order of the petitioner, an Anganwadi worker, Chhotkanpur Anganwadi Centre under ICDS Project, Oupada in the district of Balasore with effect from 14.01.2020 on the ground that the petitioner had disobeyed the direction of the Superior Authority, a writ petition vide W.P.(C) No.2444 of 2020 was filed before this Court and the same was disposed of on 27.01.2020.

Pursuant to the said order of this Court, the petitioner approached the Collector, Balasore, Opposite Party No.2 by way of an appeal, which is registered as Anganwadi Appeal No.8 of 2020. Considering the grievance of the petitioner, the Collector, Balasore has proceeded to sustain the disengagement order passed by the Sub-Collector, Nilgiri holding that "serious or persistent lapse" is noticed in her work after considering the show-cause filed by the petitioner.

3. Heard Mr. Dharmendra Sethy, learned counsel for the petitioner and Mr. A.R. Dash, learned Additional Government Advocate appearing for the opposite parties-State.

4. At the stage of hearing, Mr. Dharmendra Sethy, learned counsel appearing for the petitioner contended that the petitioner could not function at newly

constructed building as there was serious objection of villagers of Nischintapur, wherefrom the Anganwadi Centre has been functioning. It is further submitted by him that the situation was beyond control of the petitioner, as a result of which, she could not carry out the orders of the superior authority to hold Anganwadi Centre at the newly shifted area, i.e., Chhotakanpur.

5. Mr. A.R. Dash, learned Additional Government Advocate appearing for the Opposite parties-State submitted that since the dereliction of duty is the sole ground for disengagement, if the petitioner approaches the Collector, Balasore, Opposite party no.2 with a fresh representation, the same be directed to be considered by the said authority.

6. Considering the submissions made at the Bar, without expressing any opinion on the merits of the case, the petitioner may pursue her remedy by filing fresh representation before the Collector, Balasore, Opposite Party No.2 within a period of ten days hence and in such event, the Collector, Balasore, Opposite party no.2 shall do the needful to re-consider the grievance of the petitioner without being influenced by his earlier order dated 06.01.2023. The Collector, Balasore, Opposite party no.2 is directed to complete the aforesaid exercise by giving an opportunity of hearing to the petitioner within a period of two months from the date of receipt of such representation and the order/decision thereof may be communicated to the petitioner.

7. With the aforesaid observation and direction, this writ petition stands disposed of at the stage of fresh admission on the concession of the learned counsel for the parties.

8. In view of the aforesaid order, I.A. No.5038 of 2023 also stands disposed of.

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