

(2026) 03 OHC CK 1086
In the Orissa High Court
Case No : Writ Petition (C) No. 2132 Of 2026

Soudamini Nag

APPELLANT

Vs

Child Development Project Officer(CDPO), Tarabha Block,
Subarnapur And Others

RESPONDENT

Date of Decision : 23-03-2026

Acts Referred:

Constitution Of India, 1950 — Article 226, 227

Citation : (2026) 03 OHC CK 1086

Hon'ble Judges : A.C.Behera, J

Bench : Single Bench

Advocate : H.S. Mishra, G. Mohanty, Chandrana Tripathy

Final Decision : Disposed Of

Judgement

A.C. Behera, J

1. This writ petition under Articles 226 and 227 of the Constitution of India, 1950 has been filed by the petitioner praying for quashing the impugned Orders under Annexures-7, 10 and 11 passed by the Opposite Party Nos.3, 4 and 1 respectively and to direct the Opposite Party No.1 to re-engage the petitioner as an Anganwadi Helper in Sagarpalli Anganwadi Centre under Kamsara Grampanchayat of Sonepur District awarding exemplary cost and damages against the Opposite Party No.2.

2. The factual backgrounds of this writ petition, which prompted the petitioner for filing of the same is that, as per Advertisement No.2148 dated 21.10.2024 made by the Child Development Project Officer, Tarbha(Opposite Party No.1) (in short "the CDPO") for the selection of an Anganwadi Helper of Sagarpalli Anganwadi Centre under Kamsara Grampanchayat of Sonepur District, the petitioner, Opposite Party No.2 along with others applied for the same. Thereafter, the Selection Committee Members selected to the petitioner as Anganwadi Helper of that Sagarpalli Anganwadi Centre and then, she(petitioner)

was appointed as per letter dated 05.03.2025(Annexure-3) of the CDPO, Tarbha, as the Anganwadi Helper of Sagarpalli Anganwadi Centre and continued her work as such since 05.03.2025.

The Opposite Party No.2 challenged to the above selection and appointment of the petitioner by filing an Anganwadi Helper Appeal No.8 of 2025 before the Sub-collector, Sonapur(Opposite Party No.3) impleading the CDPO, Tarbha and the petitioner as her opponents.

As per final order dated 11.04.2025(Annexure-7) passed in that Anganwadi Helper Appeal No.8 of 2025, the Sub-collector, Sonapur(Opposite Party No.3) allowed that Anganwadi Helper Appeal No.8 of 2025 of the Opposite Party No.2 and directed to the CDPO, Tarbha(Opposite Party No.1) to cancel the engagement of the petitioner and to issue a fresh engagement order in favour of the Opposite Party No.2 as the Anganwadi Helper of that Sagarpalli Anganwadi Centre immediately.

3. On the basis of the order dated 11.04.2025(Annexure-7) passed in Anganwadi Helper Appeal No.8 of 2025, the CDPO, Tarbha(Opposite Party No.1) issued a letter No.882 dated 08.05.2025 vide Annexure-11 to the petitioner disengaging her from the Anganwadi Helper of Sagarpalli Anganwadi Centre.

4. To which, the petitioner challenged by filing Anganwadi Helper 2nd Appeal No.4 of 2025 before the Additional District Magistrate, Subarnapur(Opposite Party No.4) being the appellant against the Opposite Party No.2 and CDPO, Tarbha(Opposite Party No.1) arraying them as respondents.

5. As per the final order dated 31.10.2025(Annexure-10) passed in Anganwadi Helper 2nd Appeal No.4 of 2025, the Additional District Magistrate, Subarnapur(Opposite Party No.4) dismissed that Anganwadi Helper 2nd Appeal No.4 of 2025 of the petitioner.

For which, the petitioner challenged both the above impugned orders vide Annexures-7 and 10 passed by the Opposite Party Nos.3 and 4 as well as to the letter of disengagement of the petitioner vide Annexure-11 issued by the Opposite Party No.1 by filing this writ petition under Articles 226 and 227 of the Constitution of India, 1950 being the petitioner against the Opposite Parties praying for quashing the above Annexures-7, 10 and 11 respectively on the ground that, the impugned order dated 11.04.2025 passed in Anganwadi Helper Appeal No.8 of 2025 by the Sub-collector, Subarnapur(Opposite Party No.3) vide Annexure-7 was in gross violation of the principles of natural justice without giving adequate opportunity of being heard to the petitioner along with other grounds.

6. To which, the Opposite Party No.2 objected stating that, there was no violation of the principles of natural justice in passing the impugned order dated 11.04.2025 vide Annexure.7 in Anganwadi Helper Appeal No.8 of 2025 by the Opposite Party No.3, because, the learned counsel for the petitioner had

participated in the hearing of that appeal before Opposite Party No.3 and there is no illegality in any of the impugned orders passed by the Opposite Party Nos.3 and 4 vide Annexures-7 and 10, for which, the writ petition filed by the petitioner is liable to be dismissed.

7. I have already heard from the learned counsel for the petitioner, learned Standing Counsel for the State(Opposite Party Nos.1, 3 and 4) and the learned counsel for the Opposite Party No.2.

8. During the course of hearing, the learned counsel for the petitioner submitted that, the impugned order dated 11.04.2025(Annexure-7) in Anganwadi Helper Appeal No.8 of 2025 has been passed by the Sub-collector, Sonapur(Opposite Party No.3) in violation of the principles of natural justice, as no adequate opportunity of being heard was given by the Opposite Party No.3 to the appellant thereof(petitioner in this writ petition) for hearing of that Anganwadi Helper Appeal No.8 of 2025.

9. In order to ascertain the correctness of the aforesaid submissions of the learned counsel for the petitioner, i.e., whether adequate opportunity of hearing was given to the petitioner at the time of hearing of Anganwadi Helper Appeal Case No.8 of 2025 before the Opposite Party No.3 or not,

I thought it proper to place it on record to some portions of the impugned order vide Annexure-7 relating to the same and the said order is as follows:-

Anganwadi Helper Appeal No.8 of 2025

(i) This case is put up today for hearing.

(ii) The appellant, respondent and CDPO, Tarbha are present and submitted their Hazira, which forms a part of this case record.

Heard them.

The learned Advocate for the respondent has submitted a time petition and prayed for adjournment, as he is not ready for hearing due to illness. Earlier pursuant to his time petition dated 25.03.2025, he was allowed time in the matter. Hence, no further time is allowed.

The CDPO, Tarabha has submitted written statement regarding engagement to the petitioner-Soudamini Nag as Anganwadi Helper.

Perused the same.

Gone through the documents produced during enquiry.

This appeal emanate from the Order No.473 dated 05.03.2025 of CDPO, Tarbha in connection with engagement of Soudamini Nag as Anganwadi Helper in Sagarpalli Anganwadi Centre.

Learned Advocate appearing for the appellant submitted that,

XX

XX

XX

XX

XX

In counter to the submissions made by the learned Advocate for the appellant, the learned counsel for the Respondent No.2 submitted that, the appellant has managed to obtain residence certificate by giving false information.

Xx

XX

xx

XX

XX

The Respondent No.2, i.e., CDPO, Tarbha submitted that,

XX

XX

XX

XX

XX

10. The above reflections made in the impugned order dated 11.04.2025(Annexure-7) passed in Anganwadi Helper Appeal No.8 of 2025 by the Sub-collector, Sonapur(Opposite Party No.3) is going to show that, the learned counsel for the petitioner(appellant in Anganwadi Helper Appeal No.8 of 2025) was not ready for hearing of the said Anganwadi Appeal vide Anganwadi Helper Appeal No.8 of 2025 on behalf of the petitioner/appellant on the ground of his personal illness, for which, he had sought for an adjournment for hearing of the said appeal, but, to which, the Opposite Party No.3 did not allow, for which, the learned counsel for the petitioner/appellant was compelled to participate in the hearing of that appeal in spite of his illness without being ready properly for hearing of the same, which is ultimately going to show that, the petitioner has not gotten adequate opportunity in participating in the hearing of her appeal vide Anganwadi Helper Appeal No.8 of 2025, as her Advocate was suffering from illness and on the ground of his illness, he had sought for an adjournment of hearing, as he was not ready for hearing, but, to which, the Opposite Party No.3 did not allow.

11. So, from the above reflections made in the impugned order dated 11.04.2025(Annexure-7) passed by the Opposite Party No.3, it is forthcoming that, the said impugned order vide Annexure-7 has been passed by the Opposite Party No.3 without providing adequate opportunity of being heard to the petitioner/appellant, as on the date of hearing of the said appeal before the Opposite Party No.3, the learned counsel for the appellant/petitioner was suffering from illness and due to his illness, he was not ready for hearing, for which, the Opposite Party No.3 should have allowed time to the learned counsel for the appellant/petitioner for participating in the hearing of that appeal on the next date after being recovered from his illness and after being prepared fully for hearing.

For which, it is held that, the impugned order dated 11.04.2025(Annexure-7) has

been passed by the Opposite Party No.3 in violation of the principles of natural justice.

12. When, it is held that, the impugned order dated 11.04.2025(Annexure-7) has been passed by the Opposite Party No.3 in violation of the principles of natural justice, then, as per law, the said impugned order dated 11.04.2025(Annexure-7) passed in Anganwadi Helper Appeal No.8 of 2025 by the Opposite Party No.3 is liable to be quashed.

The conclusion drawn above findings support of the following decisions:-

(i) In a case between Atma Ram and others vrs. State of Rajasthan : reported in AIR 2019 SC-1961 that,

The non-observance of natural justice is itself prejudice to any man and proof of prejudice independently of proof of denial of natural justice is unnecessary.

(ii) In a case between A.R. Antulay vrs. R.S. Nayak and another : reported in 1988(2) SCC-602 (Para-55) (Seven Judges Bench) that, Violation of principles of natural justice renders the act a nullity.

(iii) In a case between Dattu Namdev Thakur vrs. State of Maharashtra and others : reported in 2012 SCW-203 that,

When, the impugned order is passed in violation of the principles of natural justice, the same is liable to be quashed.

13. When, it is held above that, the initial order dated 11.04.2025(Annexure-7) passed in Anganwadi Helper Appeal No.8 of 2025 by the Opposite Party No.3 is liable to be quashed, then as per law, the subsequent orders vide Annexures-11 and 10 on the basis of the initial order vide Annexure-7 are also liable to be quashed automatically.

On this aspect, the propositions of law has already been clarified in the ratio of the following decisions of the Apex Court :-

(i) In a case between State of Punjab vrs. Davinder Pal Singh Bhullar and others : reported in (2011) 14 SCC-770 that,

When, it is held that, the initial order is not in consonance with law, then, all subsequent and consequential proceedings would fall throw for the reasons that, illegality strikes at the root of the order. In such a fact of situation, the legal maxim i.e., "sublato fundamento cadit opus" meaning thereby that, foundation being removed, structure/work falls shall apply.

(ii) In a case between Badrinath vrs. State of Tamilnadu : reported (2000) 8 SCC-395 that,

Once, the basis of a proceeding is gone, then consequential acts, actions, orders would fall to the ground automatically and this principle is applicable to judicial, quasi-judicial and administrative proceedings equally.

State of Kerala vrs. Puthenkavu N.S.S. Karayogam and another : reported in (2001) 10 SCC-191 that,

Setting aside of main order—Effect of, consequential orders—Once, the main impugned order is set aside, any consequential order made pursuant to the same would automatically become ineffective.(Para No.9)

(iii) In a case between Mangal Prasad Tamoli(Dead) by LRs vrs. Narvadeshwar Mishra(Dead) by LRs : reported (2005) 3 SCC-422 that,

If an order at the initial stage is bad in law, then, further proceedings consequent thereto would be non-est and have to be necessarily set aside.(Para No.15)

(iv) In a case between Upen Chandra Gogoi vrs. State of Assam and others : reported (1998) 3 SCC-381 that,

A right in law exists, only when it has a lawful origin.

14. When, it is held above that, the impugned orders vide Annexures-7, 10 and 11 passed/issued by the Opposite Party Nos.3, 1 and 4 are liable to be quashed, then at this juncture, there is no other alternative for this Court, but, to remit back the Anganwadi Helper Appeal No.8 of 2025 to the Opposite Party No.3 for deciding the same afresh as per law, after setting aside the Annexures-7, 11 and 10 passed/issued by the Opposite Party Nos.3, 1 and 4.

15. The conclusion drawn above relating to the remand of Anganwadi Helper Appeal No.8 of 2025 to the Sub-collector, Sonapur(Opposite Party No.3) for its fresh decision/ adjudication finds support from the ratio of the following decision:-

In a case between Durgawati Singh and others vrs. Deputy Registrar, Firms Societies and Chits Lucknow and others decided in Special Appeal No.497 of 2021(Allahabad) that,

Whenever an order is struck down as invalid being in violation of the principles of natural justice, there is no final decision of the case and fresh proceedings are left open.

16. As per discussions and observations made above, there is some merit in this writ petition filed by the petitioner for making interference with the impugned orders vide Annexures-7, 11 and 10 respectively passed/issued by the Opposite Party Nos.3, 1 and 4 through this writ petition filed by the petitioner.

Therefore, this writ petition filed by the petitioner is to be allowed in part.

17. In result, the writ petition filed by the petitioner is allowed in part.

The impugned orders vide Annexures-7, 11 and 10 passed/issued by the Opposite Party Nos.3, 1 and 4 respectively are quashed.

The matter vide Anganwadi Helper Appeal No.8 of 2025 is remitted back to the Sub-collector, Sonapur (Opposite Party No.3) for deciding the same afresh as per

law after giving opportunity of being heard to the parties thereof including the petitioner and Opposite Party No.2 in full compliance of the principles of natural justice as expeditiously as possible within a period of three months from the date of filing of the certified copy of this judgment before the Opposite Party No.3 by any of the parties or from the date of receiving the copy of this judgment.

18. Registry is directed to communicate a copy of this judgment to the Sub-collector, Sonapur (Opposite Party No.3) immediately.

19. As such, this writ petition filed by the petitioner is disposed of finally.